DOCUMENT RESUME

ED 355 069 RC 019 013

AUTHOR Wilson, James
TITLE Canada's Indians. Revised Edition.
INSTITUTION Minority Rights Group, London (England).
REPORT NO ISSN-0305-6252; MRG-21
PUB DATE Mar 82
NOTE 27p.
AVAILABLE FROM Minority Rights Group, 29 Crauen Street, London, England, United Kingdom (2.95 pounds net; $5.50 plus 20% surface mail postage and packing on orders of less than 10 reports).
PUB TYPE Information Analyses (070)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS American Indian Education; *American Indian History; American Indians; *Canada Natives; Civil Liberties; Colonialism; *Culture Conflict; Elementary Secondary Education; Ethnic Relations; *Federal Indian Relationship; Foreign Countries; *North American History; *Self Determination; Social Change
IDENTIFIERS Canada

ABSTRACT

Over a half million people in Canada today are identifiably of Native ancestry, legally categorized as Inuit (Eskimos), status Indians, or nonstatus Indians. Status Indians comprise 573 bands with total membership of about 300,000 people, most of whom live on 2,242 reserves. They are the direct responsibility of the federal government and have special legal standing that provides some privileges but heavily restricts their freedom. They have high rates of poverty, unemployment, substandard housing, school dropouts, infant mortality, suicide, and tuberculosis. Nonstatus Indians (usually Metis of mixed descent), having no special privileges and frequently rejected by both White and Indian communities, are often poorer than status Indians. This report describes some of the long-term social and historical causes of the Indians' problems, the legacy of intensive European colonial expansion during the 16th-19th centuries and of Victorian policies based on the principle that the Indian should be legally and physically set apart and protected against himself and the outside world. Also examined are changes since World War II: migration of many Indians to the cities; new government educational policies; the growing number and the achievements of Indian organizations; economic development strategies; and negotiations over aboriginal rights, land claims, and self-determination. A final section discusses the issue of Native rights within the debate over a new national constitution. (SV)

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Report No. 21
Revised 1982 edition

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- To help prevent, through publicity about violations of human rights, such problems from developing into dangerous and destructive conflicts which, when polarised, are very difficult to resolve; and
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CANADA'S INDIANS

by James Wilson

'Either they promised protection which they have never afforded, or instruction which they never imparted. . . Their treaties are only to deceive.'

— Dr Samuel Johnson, 1759

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From the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on 10th December 1948:

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

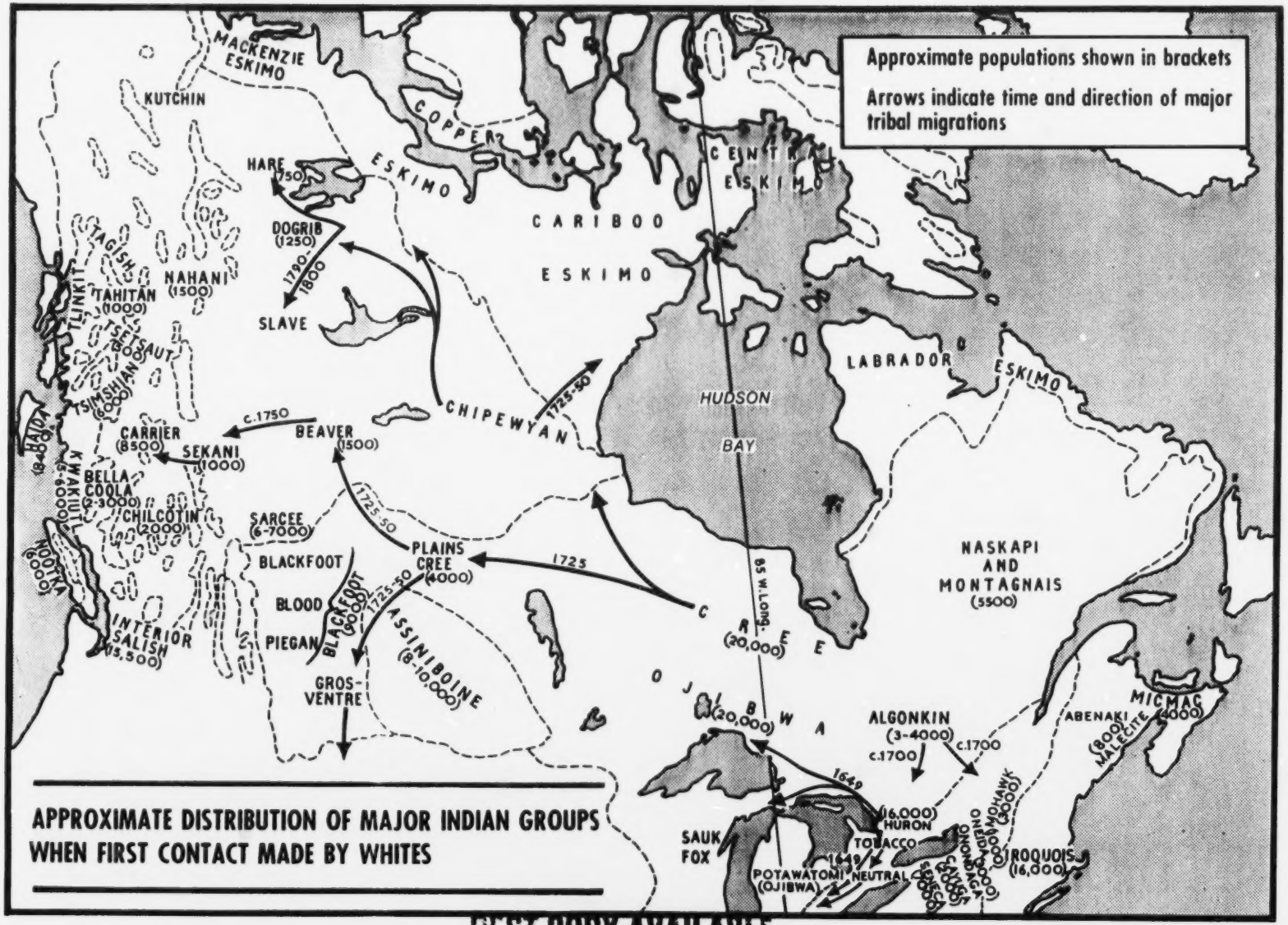
Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.



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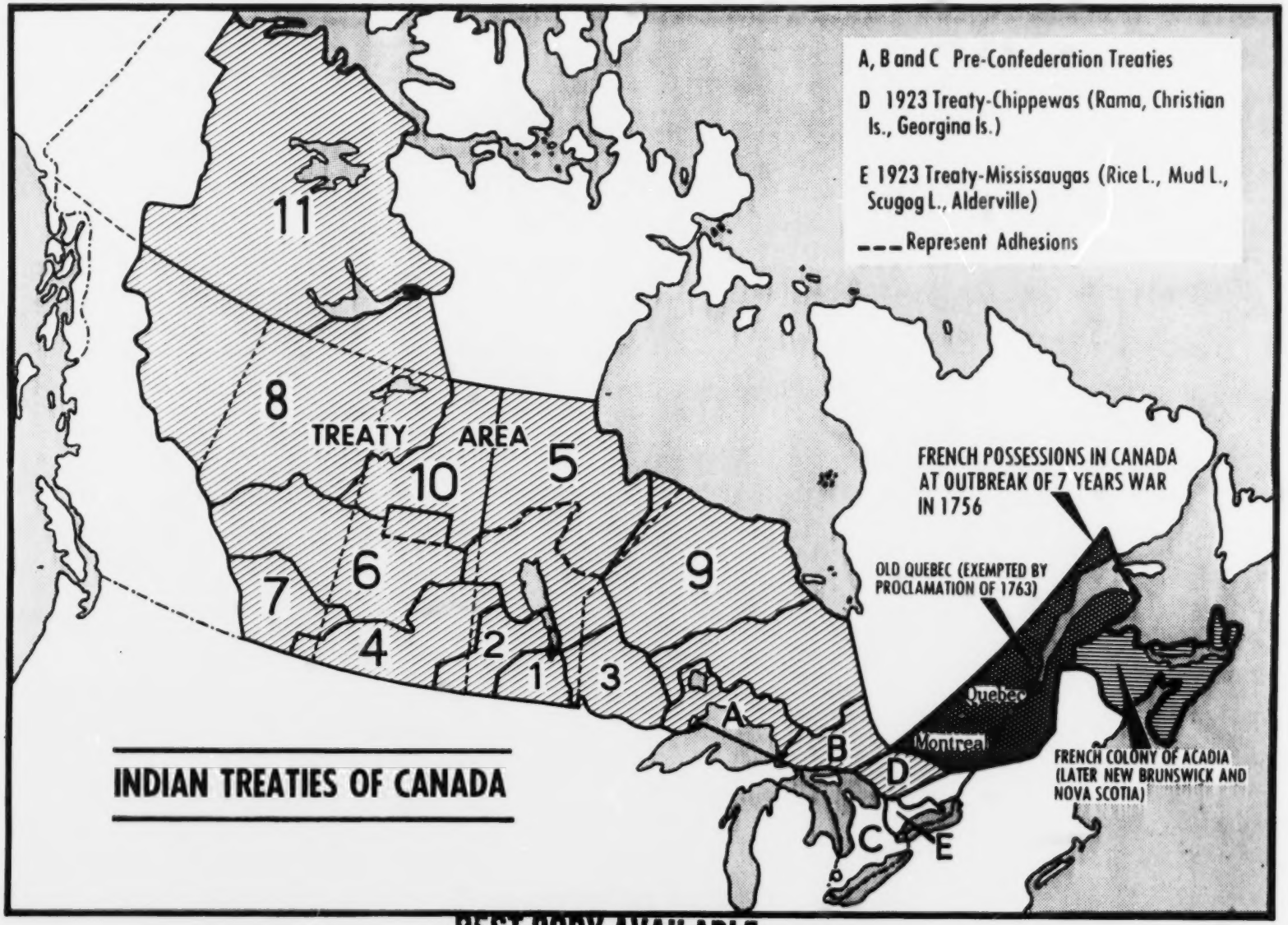

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Part I: INTRODUCTION

After a century of spiritual and physical isolation, during which time they were commonly considered a dying race, the Canadian Indians have recently begun to emerge from the shadows and claim attention for their chronic problems of poverty, neglect and cultural and social alienation. In the last few years a great deal has been written, in the form of government surveys, articles and serious books, examining the 'Indian problem' from various points of view: but the more the subject is investigated the more apparent it becomes that the situation is an extremely complex and difficult one, defying both simple analysis and easy solution. Despite growing publicity and concern, and the expenditure of increasing amounts of money on programmes designed to help the Indian, the harsh facts of a poor and demoralized existence remain stubbornly unchanged for the majority of Canada's native people. One reason why observations on the situation, and attempts to improve it, have proved so ineffective, is that they have been made mainly by non-Indian people with an inadequate understanding of native society and of what it is to be an Indian. Since I, as an outsider, inevitably have the same limitations, I feel some trepidation in producing another report about the Canadian Indians, and I want to make it clear that in this short survey I do not pretend to give a full picture or offer any new solutions. What I shall try to do is to describe some of the long-term social and historical causes of the problem, to show how they have combined to create the present situation, and to outline some of the Canadian Indians' current aspirations for the future.

Essentially the problems of Canada's native people today are a legacy from the period of intensive European colonial expansion between the sixteenth and the nineteenth centuries. Like many other peoples in different parts of the world, the Indians are the survivors of small aboriginal societies whose land was colonized by Europeans and who have been unable either to retain fully their traditional way of life or to adapt successfully to the alien social structure of the white man. They have suffered a history of conquest, decimation through disease – the Indians' population had been reduced to about a third of the pre-Columbian level by 1901 – and social and cultural disruption, and have now been relegated to a demoralized existence on the periphery of the larger society. The seeds of this situation lay in the European policies and attitudes which, from the first beginnings of white settlement in Canada, began to determine the nature and course of white/Indian relations. In the early stages of colonization, when there were only a few Europeans in North America, the Indian was vital to their survival as a guide, a trading partner and a military ally, and was able to keep much of his land and independence. By the middle of the nineteenth century, however, after 250 years of continuous expansion at the Indians' expense, the European had become well-enough established to dispense with the assistance and co-operation of the native people, and had acquired both the power and the inclination to subjugate the Indians totally. Since the main object of white policy was now settlement rather than trade or war, the Indians who occupied the bulk of the country had become merely an impediment to the attainment of European aims. The policy by which the government determined to clear the land and solve 'the Indian Problem' was a characteristically Victorian blend of high-minded paternalism, ruthlessness, sentimentality and self-confidence. The Indians were to be removed to small reserves where they could pose no threat to white settlement, and could themselves be shielded from unscrupulous drink-pedlars and other undesirable products of white society. Here, it was thought, under the stern and moral guidance of dedicated missionaries and government officials, the Indians could somehow be enabled to retain their childlike simplicity and innocence while at the same time being taught the merits of industry, Christianity and the other attributes of a superior civilization. No-one was quite sure how this transformation was to be achieved, but there were always philanthropists who thought they knew the answer and were willing to try, and others, with different ideas, to take their place when they failed.

This colonial policy was hastily conceived and implemented, but the pattern of administration and white/Indian relations which it established has determined the basic social, economic and geographic facts of Indian life for the last 100 years. Although its principles are now generally felt to have been misguided, and its effects are seen to have been disastrous, the Victorian system has so profoundly moulded white and Indian assumptions through four generations that today a really fundamental change seems literally almost inconceivable to many people of both races.

One basic example of how nineteenth century measures continue to shape the lives of native people can be found in the Indian Act, which reflects the Victorian determination that the Indian should be legally and physically set apart and given protection against himself and the outside world. A series of Indian Acts was passed during the last thirty years of the nineteenth century, circumscribing every area of native existence, and giving the government absolute power to organize the Indian's life for him. Although subsequent revisions have eased many of the harsher restrictions, the Indian Act still stands and most of its fundamental provisions remain substantially intact. Its arbitrary definition of who an Indian is, which by now excludes a large part of the native population, has given rise to a complex legal muddle which has to be explained before it is possible to understand the current situation.

Put briefly, the position is this: There are something over five hundred thousand people in Canada today who are identifiably of native ancestry, and they fall, legally, into three separate categories: Inuit (Eskimos), 'Status' Indians and 'Non-Status' Indians. The 15,000 or so Inuit are ethnically and culturally distinct from the Indians and because of their geographical isolation and comparatively settled existence they have in general been less affected by colonization. They are not considered Indians under the law, but are eligible for some special assistance from the Federal Government.

The 'status' group, numbering about 300,000, comprises those native people defined as Indian under the Indian Act, which makes them the direct responsibility of the Federal Government. This special legal standing gives them some privileges, such as exemption from certain taxes, but it also heavily restricts their freedom in other areas; for example, their land, education and economic enterprises are controlled by the administration. About half the status group are known as 'treaty Indians' because their ancestors signed treaties direct with the Crown, by which they surrendered huge tracts of land in return for reserves, gifts and the promise of services. Each status Indian is registered as a member of an Indian band and lives, or is entitled to live, on a reserve. In all there are some 573 bands who have the use of 2,242 reserves with a total area of just over six million acres. About 30% of the status Indians now live off reserve.

A status Indian may, if he wishes, renounce his special legal standing, receive his share of the band's resources and give up his right to a home on the reserve to live as an ordinary Canadian citizen. When he has made this choice he, his wife and children under the age of twenty-one automatically become 'non-status' Indians; the decision is irrevocable and will apply to his descendants as well as to his immediate family. Indian status may also be lost or gained through marriage; if a status man marries a non-status woman, white or native, both she and any subsequent children become Indians under the law. If a status woman marries a non-status man, then she and her children are not legally Indians.

There are probably more than 260,000 non-status native people who have not been totally absorbed into the mainstream of Canadian society. Although most of these people are Metis – that is of mixed white/Indian descent – many of them have more Indian blood than some of the status group; indeed, because of the peculiar legal distinction, it can sometimes happen that a full-blood Indian has no Indian status, while persons without a drop of native blood can belong to a band and live on a reserve. Despite this, and the fact that many non-status people follow an Indian way of life, they are frequently rejected by both white and Indian communities, and because they have none of the privileges of Indians under the law they are often poorer than their status relatives. Although this report deals primarily with the status Indians, it is important that the non-status native population – sometimes called the 'Forgotten People' – should not be forgotten.

Another important long-term product of Victorian policy is the reserve system, and it is probably this, more than any other single factor, which has perpetuated the Indians' social and economic ills. The artificial separation of white and Indian has bred an unhealthy tendency for people of each race to see each other in stereotyped terms. To many whites, whose knowledge of the native is derived from books, films and acquired prejudice, the Indian is an odd combination of colourful savage, with quaint customs, stern features and an economic use of pidgin English, and degenerate ungrateful drunk. To the Indian the white man is a garrulous, deceitful busybody incapable either of listening or of under-

standing. The circumstances in which white and Indian people do meet generally encourage and confirm these stereotypes. White people who make the often arduous journey to reserves are usually concerned professionally or philanthropically with 'helping' the unfortunate native by imposing their own solutions to his difficulties; while the Indian who goes to the city often tries to relieve the tension he feels there by getting drunk and behaving rowdily. Because there is so little informal contact, spontaneous and un-self-conscious relationships between white and Indian individuals are rare, and the majority of both races tend to view one another with bewilderment and suspicion.

Reserves tend to be small and isolated and to offer few opportunities for making a living; they have limited potential as farmland and are too small for the Indians to live by the traditional pursuits of hunting and trapping, while their remoteness and small populations make them unattractive to industry. If an Indian wants to initiate an economic enterprise of his own he is hampered by lack of capital and obstructed by the administrative restrictions which surround every area of his life. The simple fact is that successive governments have found it easier and cheaper to keep the Indians dependent on welfare than to make the enormous capital investment required to enable them to stand on their own feet. The economic effects of this policy can be easily measured: unemployment among Canadians as a whole is 8.6%, among Indians it is 60% (1982). In 1969 the average income of a Canadian family was $8,874; while 88% of all Indian families made less than $3,000, and about 50% made less than $1,000 – about £400 – including all welfare payments.[1]

The cost to the government of trying to alleviate Indian poverty rises every year. In 1971-2 the Department of Indian Affairs and Northern Development spent $261.9 million on Indian administration, economic and social development and education, and a further substantial amount was contributed by other government departments for Indian health. Somehow the expenditure of these huge sums is still not enough. According to a recent survey by the Federation of Saskatchewan Indians, 88% of Indians live in substandard housing, as against 11% for Canadians as a whole; 88% of all Canadian children complete High School, while only 6% of Indian children do so; the Indian infant mortality rate is more than twice that for Canada. Indians are ten times more likely to suffer from tuberculosis than other Canadians.

These figures reflect poor material conditions that are partly responsible for, and partly the result of, a deeper poverty in Indian life. It is here that the real complexity of the situation lies. For a hundred years the Indians have been isolated on reserves, remote from the mainstream of Canadian life, and their lives have been run for them by an alien bureaucracy that has methodically assaulted their values, beliefs and cultural integrity and sapped them of power, independence and self-respect. Successive governments have blundered on with the same old policies, believing that the Indian's only hope was to lose his 'Indianness' and become a kind of brown white man, and certain that, if only the right approach were taken, this change could be effected in an orderly and predictable way. After a century of experiments upon him, the Indian has indeed changed, but no-one seems really sure what he has become. Certainly, he no longer belongs to the free and viable society of his ancestors, but neither is he the docile replica of a white man so confidently anticipated by the Victorians. Instead, his society today displays the symptoms of deprivation and a deep maladjustment: social collapse, despair and a profound sense of helpless alienation. It is difficult to measure this kind of poverty – a loss of identity, pride, personal power and adjustment to the world – in statistical terms, but it can be inferred from a number of facts. Indians live on average half as long as other Canadians, and their suicide rate is twice the national rate. Alcoholism has reached epidemic proportions in Indian communities, and there is widespread delinquency. Although they only constitute about 3% of the population, native people make up, at any one time, between 30% and 60% of the inmates of jails. Most of the Indians in prison are serving short sentences for petty crimes like drunkenness and vagrancy, and many of them are there because they cannot afford to pay a fine.

Looking in retrospect at its long-term causes the present predicament of native people seems to have been almost inevitable. The attitudes and events that have brought it about show a jumble of mixed, and often conflicting motives, but a large share of the responsibility lies with able and intelligent men who worked from their own assumptions and acted with the best intentions. The characteristic which every generation and every kind of white policy-maker has shared is a capacity for imposing solutions to the 'Indian problem' without either consulting or seeking a deep understanding of the Indian himself. Because of this lack of humility they have consistently acted on their own ill-informed and doctrinaire prejudices rather than making any serious attempts at learning from the Indian the true nature of his culture and the forces giving shape and meaning to his life. They caricatured the Indian's beliefs, vastly underestimated the strength, value, complexity and – to a European – strangeness of his culture and his society, and ended up formulating policies for a fantasy. John Collier, US Commissioner for Indian Affairs under Roosevelt, clearly saw the disastrous consequences of this arrogant and dangerous state of mind when he wrote:

'Colonizer, missionary, moralist, idealist, crusader for causes, it is to the hurt of all that you love, to the defeat of your own purpose and the ruin of men, if you, plunging towards your aim in terms of individuals, aggregations of individuals, or external material results, ignorantly or impatiently by-pass the society.'

So in trying to understand the roots of the present situation our starting-point must be the nature of aboriginal society and the ways in which it has been affected by the arrival of the white man.

Part II: ORIGINS AND CULTURE

The Canadian Indians have been in North America for a very long time. Some anthropologists believe that there may have been men living in the New World as much as 40,000 years ago, but the generally accepted view is that the first American Indians were nomadic hunting people who followed herds of migrating game animals across a land bridge, exposed by a drop in sea level during the last Ice Age, which linked Siberia with Alaska between 25,000 and 10,000 BC. Very little is definitely known about these early hunters, but the 'marginal mongoloid' physical characteristics of their modern descendants suggest that they originated somewhere in Asia. They probably lived in small, self-sufficient bands, and they clearly must have been socially advanced and physically skilled enough to feed, clothe and shelter themselves in the harsh arctic environment. From archaeological remains found in Alaska it seems that they used stone tools and weapons similar to those of the Palaeolithic period in Europe.

From Alaska the first migrants spread south and east, hunting and food-gathering, until, by about 8,000 BC, some of their descendants had reached Tierra del Fuego on the southern tip of South America. At the same time a sudden increase in temperature hastened the end of the Ice Age, and the land link with Siberia was once more submerged by the rising sea. From this point on, so far as we know, the inhabitants of the Americas were completely cut off from the rest of the world until their 'discovery' by Columbus at the end of the fifteenth century AD. The millenia of their isolation spanned the period in which man diversified and produced sophisticated adaptations to different environments all over the world; in which he evolved improved hunting techniques, metallurgy, agriculture and settled communities, and the high degree of political and social organization necessary to the rise of civilization. All these developments occurred independently in parts of the Old World and parts of the New, but they took widely-differing forms. For instance, the wheel was unheard of in aboriginal America, and in its highest form American Indian writing never produced a system as advanced as the Roman alphabet; yet the Mayas devised a calendar, and the Aztecs an agriculture and urban organization, that were unequalled in the Europe of Columbus' time.

The importance of all this is that the peoples of the Old and New Worlds diverged before most of the social, economic and technological developments which shape our assumptions about the world and human society had taken place. While the European was evolving in his own continent, the Indian was adapting in a different way to America, and producing radically different answers to the problems of human existence. By the time of Columbus, after millenia of adjustment to the New World, the North American Indians had diversified into 600 or so distinct groups, embracing a wide variety of language, culture and ways of life, but all well-equipped to survive efficiently in their own areas. They ranged from a sophisticated, highly organized civilization, numbering millions of people, in the subtropical valleys of Mexico, with advanced art,

[1] Omar Peters: speech delivered to the Thinkers Conference on Cultural Rights, December 1969.

metal-work and architecture, to small, migratory stone-age hunting bands in the arctic tundra of Canada. They cannot be understood, however, solely in terms of the degree of social development they had attained. The civilized Aztec shared more in common with a 'primitive' Indian than he did with an equally civilized European because, in thousands of years of isolation, American Indians had developed their own characteristic ways of looking at the world which were profoundly unlike those of Europe. A comparison between, for example, the wooden totem-poles of the Haida from Canada's Pacific coast, Maya stone-carving and European Renaissance sculpture would serve as a simple illustration of the similarities of vision among disparate groups of Indians, and the extent to which Old and New World cultures had diverged by the time of Columbus.

There are no reliable figures for the North American Indian population immediately prior to the first white contact, and estimates differ enormously. A reasonable and moderate assessment would be about 30,000,000, of which more than 26,000,000 lived in Mexico and Central America. The people of what is now Canada, although they occupied nearly half the continent, represented only a fraction of its population – probably about one-hundredth. The reasons for this were primarily economic; while many Indians further south had an advanced agriculture which could support large numbers of people, the Canadian natives, isolated from the source of agricultural innovation in Mexico and living in a climate that was largely unsuitable for the spontaneous development of farming, still depended almost exclusively on hunting, fishing and food-gathering for subsistence. This kind of pre-agricultural economy requires a huge amount of land to feed a few people, and more than half of pre-Columbian Canada bore a population of twenty-five or fewer per hundred square miles. Because of these small numbers and a common dependence on hunting, Canada displayed less cultural diversity than the southern part of North America; in all, there were probably between 200,000 and 300,000 Canadian Indians divided among more than fifty distinct societies, each one of which had its own cultural characteristics and language or dialect. Linguists have grouped the native languages into ten different 'families', six of which were found in the comparatively small area west of the Rockies, and four over the rest of the country.

The social and economic structure of each band depended to a large extent on the geography, climate and wild-life of the area in which it lived. In aboriginal times most of Canada was covered by a huge sub-arctic coniferous forest which stretched almost unbroken, except by rivers and numerous lakes, from the Atlantic coast to the Rockies, bounded to the North by arctic tundra and to the South by prairie, scrubland and thorn forest. This forest region was populated principally by Indians belonging to two language families, the Algonkians and the Athapaskans. The Cree, Montagnais, Algonkin, Ojibwa and other Algonkians lived to the south and east of Hudson's Bay, while the less numerous Athapaskans, including such peoples as the Slave, Beaver, Yellowknife and Chipewyan, inhabited the area to the North and West of the bay. The majority of the forest Indians, Algonkian and Athapaskan alike, lived by hunting large game like caribou and moose, supplemented by smaller mammals, wild plants and fish; and this economy forced them to lead a migratory existence, living in temporary shelters of bark, brush or hide, and following the seasonal movements of their principal game animals. Without a means of preserving meat for long periods, and lacking any major alternative source of food, they were never very far from the possibility of starvation, and their survival depended on constant mobility and co-operation and a strong sense of mutual responsibility between individuals and families within each band. They had no highly-organized system of leadership, but usually chose an exceptional hunter or some other outstanding individual who would perhaps allocate hunting territories and – sometimes with the help of an informal council of elder men – give counsel and guidance to his band. Despite some cultural differences, this social and economic pattern was followed by the most northerly Athapaskans and Algonkians, who lived just below the tree-line to the south of the arctic tundra region, and also by the Siouan-speaking bands, such as the Assiniboin, who subsisted by hunting bison in the prairies south of the forest.

To the West, however, across the Rocky mountains, lay an area with a more temperate climate and a rich abundance of wildlife that allowed its inhabitants to develop a different, materially more secure, way of life. The peoples of this Pacific coastal region – the Kwakiutl, Haida, Salish and others – lived partly by hunting and food-gathering like their neighbours to the east, but their economy was based primarily on fishing. By devising efficient methods of catching and preserving the salmon and other fish that swarmed through their rivers, they were enabled to live in settled communities with a comparatively high population density and to enjoy a degree of prosperity seldom attained by pre-agricultural societies. They built permanent villages consisting of substantial timber houses, and, relieved of the constant threat of starvation which kept the forest Indians perpetually on the move, they were able to develop a more complex society, with a larger number of individuals and greater division of labour, than was possible for people leading a mobile existence. This settled way of life could only survive, however, if the West coast Indians built up large stocks of surplus food which could support them through seasons of scarcity, and their social system reflected the importance of meeting this need. They were organized into hierarchical chiefdoms, often comprising a number of villages and several hundred people, in which each individual had his or her specific place on a scale of rank, determined by birth and by wealth. The first object of economic enterprise was to provide everyone with enough to eat, but when this had been achieved the surplus was passed up the hierarchy to the chief, whose prime function was to arrange for the storage, and in times of need the appropriate re-distribution, of his people's resources.

Some 2,500 miles east of the Rockies, where the coniferous forest gave way to scrubland in what is now Southern Quebec, were the Iroquoian-speaking peoples, whose territory in aboriginal times stretched south of the Modern US/Canadian border. Like the West coast Indians, the Iroquoians lived in comparatively populous settled communities, but they subsisted principally by farming, rather than fishing, and their social and economic life was very different from that of the Pacific region. They were the most northerly of a series of eastern farming tribes, who occupied most of the Atlantic seaboard of what is now the USA and had probably learnt the skill of cultivation originally from Mexico; and they were the only people in aboriginal Canada to practise agriculture to any great extent. The Iroquoians lived in permanent villages, defended by a wooden palisade, round which they cleared an area where they grew maize, tobacco and other plants. Inside, the village consisted of large wooden 'longhouses', each of which housed an extended family; families were matrilineal –, that is, they traced descent through the female line – and were presided over by the most senior woman. As is common in early agricultural societies, the matrilinies owned the houses and land and women did most of the cultivation of crops, while the men defended the settlement from attack by neighbouring tribes and supplemented the predominantly vegetable diet by hunting. Although men held the offices of leaders and decision-makers, their appointment was usually the responsibility of the 'head-women' in the matrilinies, and in this way each of the groups upon whom the tribe depended economically was represented in its political and social life.

The Iroquoians were a warlike people, constantly feuding among themselves, and at some point in the sixteenth century, seventy years or so after Columbus' discovery of North America but before there was any white settlement north of Mexico, they formed themselves into three confederacies, each of which was designed for the mutual defence of its members. Two of these inter-tribal organizations, the Huron and the Neutral, perished before much could be learnt about them, but they seem to have been similar to the third confederation, the League of Five Nations, about which more is known. The League was made up of the Mohawk, Seneca, Onondaga, Oneida and Cayuga peoples, each of which was represented in the League by a number of 'sachems', appointed by the matrilinies in every tribe. There were fifty sachems in all, whose business was to settle inter-tribal disputes within the League and to formulate a common 'foreign policy'. They did this simply by talking among themselves until unanimous agreement was reached, and although this system appears flimsy, in fact it worked extremely efficiently and kept the Iroquois a major political force in North America until two hundred years ago.

It will be seen from this brief and very general survey that 'the Canadian Indians' is a term which refers to a wide range of different peoples. 'Canada' itself is a product of European policies; its external and internal boundaries are arbitrary, bearing little relation to the distribution of its native people and none at all to their sense of identity. The Indians had no overall knowledge of their continent and its inhabitants; each independent band knew its own region and

its immediate neighbours, but was only vaguely aware, if at all, of other societies living further away. Despite this, they shared a number of underlying characteristics that were, and are, distinctly alien to a white man. Like everyone else, the Indians faced the problem of welding collections of individuals into coherent social groups, despite the tension, aggression, envy, competitiveness and other destructive tendencies of human life; but by European standards their societies were tiny, without a strong territorial identity, and lacking the human and material resources to build up the kind of political and legal institutions on which 'law and order' in France and England depended. Even a West coast chief, while he enjoyed considerable prestige and respect, had no military or police organization with which to enforce his authority. At the same time, the very smallness of each band, and the precariousness of its economy, made a high degree of social order and co-operation between its members essential for survival. Any internal dispute which threatened the common enterprise of living and working peaceably together to secure a livelihood effectively endangered the lives of everyone in the group.

This problem was overcome, and social harmony maintained, in a number of different ways. In every Indian society taboos played an important part, powerfully affecting the individual in every area of his life; from the conduct of his relationships to the way in which he carried out such every-day tasks as hunting and preparing his food, it laid down the principles by which he acted and prompted him to socially acceptable behaviour. Strongly linked with the system of taboo was the band's kinship structure, which provided a rigid framework giving each person a sense of identity and defining his relationships with other members of the community. In form and complexity it varied from people to people, but most bands were sub-divided into two or more clans or totem-groups, each of which consisted of families who were physically or mythically related to one another. These groups were usually exogamous – that is, their members could not marry each other, but were obliged to find partners from another clan; and this arrangement extended the interdependence of the band, and increased its chances of survival because every individual had a relationship of mutual responsibility with his own parental family, with his clan, and, when he married, with his wife's family and clan. If a hunter met with death, accident or misfortune a number of other people were bound by family ties, taboo and affection to provide for his dependants. The kinship structure not only determined who the individual might marry, but the nature of his relationship with the other members of the band. A man was expected to behave respectfully towards his elders, affectionately towards children, and so on; but within this general framework there were numerous subtle differences, depending on the precise relationship of the individuals concerned. To some extent this was reflected in language; among most of the Algonkians, for example, there were two words for 'aunt', one signifying 'mother's sister' and the other 'father's sister', and each implying a different kind of relationship. In this way, each person's position within the group was well-defined and secure, and the possibility of abnormal or socially unacceptable behaviour was greatly reduced. In most bands, except for those in the harsher and more remote parts of the forest region, there were, in addition to the family-based clans, societies which men could join, after an initiation ceremony, when they reached adulthood. Again, these varied in number and function from tribe to tribe – there were warrior societies, hunting societies, religious societies and others – but they invariably provided another series of relationships, outside clan and family, which bound members of the band together and integrated the whole community.

The taboos, ethos and social system of the band were strengthened by custom, consensus and the universal sanctions of praise and ridicule, but ultimately they derived their power from a religious vision of life whose immediacy, intensity and extent are difficult for a European to comprehend, and which, with cultural variations, was common to all the Indians. Indian religion was animistic – that is, it attributed souls or spiritual qualities to animals, plants and inanimate objects as well as to people – and based on the idea of a spirit world, parallel to our own, composed of powerful and enigmatic supernatural beings who exercised great influence over human life. Spirits could affect people beneficially or malignantly; they were unpredictable but all-persuasive, able to appear in dreams, visions and visitations, and to manifest themselves anywhere in the form of a stone or an animal. The universe was thus awe-inspiring and poised constantly on the brink of miracle and disaster; everything in it was, at least potentially, of great significance, and to be regarded with both wonderment and caution. Incorporated with all the physical, social, emotional and other aspects of Indian existence, which it inevitably touched, this spiritual view of life formed a unified and satisfying world picture. It was made up of a series of inter-connected relationships between spirits, people, animals, plants and elements, in which each component was significant on a number of different levels. Animals, for instance, were important in Indian cosmology in many ways: not only did they provide the bare essentials of survival, in the form of meat and the materials for clothing and shelter, but they were representatives of the spirit world, they appeared repeatedly in magic and myth, and within Indian society their names were used to distinguish both groups, such as clans, and individuals who supposedly shared their characteristics.

Although he could not fully grasp the ultimate nature of the universe, a man could and should help in the vital task of harmoniously maintaining this web of being by devoutly observing the taboos and the prescribed rituals of his band. He was expected to be a brave hunter and warrior, but among his own people to be kind, compliant, unassuming, unaggressive and, except among the West coast tribes, whose hierarchical social structure made a certain rivalry acceptable, uncompetitive in everything but physical prowess. He must approach everything in Creation with reverence – it was customary, for example, to offer a prayer for the soul of an animal killed in hunting – and his reward for thus upholding the principles of life would be health, the respect of his fellows, and plentiful food for his family.

From infancy the Indian was brought up to share this view of the world and to understand his place in it. He had no formal schooling in a European sense, but the values, beliefs and rituals of the band were passed down to him in the form of legends recounted by his elders; the Indians, like all preliterate peoples, placed great importance on story-telling, which was their main medium of cultural transmission. The child learnt the kind of skills that he or she would need in adult life; saw the social relationships that held the band together; witnessed the ceremonial activities that preserved its vital links with the spirit world, and came to understand the importance of the shaman or medicine man, whose special powers of communication with the supernatural gave him an important and respected social position. At about the time of puberty it was normal for a boy to be sent on his own 'spirit quest', in which he went into the forest for some days, fasting and praying, until a spirit, usually in the form of an animal, appeared before him. This supernatural being was a kind of guardian and mentor, who would give the boy advice and instruction, show him his adult role in the band, and protect him through his later life. As a grown man the Indian joined men's societies and took on the social and economic responsibilities of the hunter; he took part in ceremonies, like the Algonkians' and Siouans' Sun Dance, and in the rituals marking birth, puberty and death among his fellows, and his attachment to the band and its beliefs was constantly re-affirmed. The intricate pattern of social, economic and spiritual forces shaped the Indian's personality and basic assumptions and gave him significance; and although it did not allow for wide deviations in personal behaviour it provided a solid framework of values and principles by which the individual could order his life.

Of course, the system of social controls did not work perfectly. Indian society, like any other, was a human compromise between the individual and the group, between principle and expediency, between high cultural ideals and the limited capacity of most men and women to live up to them all the time. The taboo against killing did not prevent inter-tribal fighting; the young men of a band, anxious to prove their courage, often undertook raids against other tribes even when their elders thought the enterprise wrong or unwise and counselled against it; and there was a certain amount of more serious warfare, particularly among the notoriously ferocious Iroquois and their neighbours. Within each society there was a strong taboo against physical violence and overt hostility, and against the kind of aggressive and disruptive behaviour that might cause friction; and the Indians, shrinking from displays of serious feeling that might lead to a conflict, seldom showed any emotions in public except laughter. This effectively reduced social tension, but it could not altogether do away with the resentments and jealousies that inevitably arise when a number of people live together, and redress or revenge was sometimes sought through the surreptitious practice of black magic, which was probably fairly widespread and very much feared. The most usual aim of witchcraft was to make the

victim ill, and disease was also sometimes interpreted as retribution by the spirits for misdemeanours. If the disorder was a punishment by the supernatural the medicine man could cure it by drawing from his patient a confession of wrong-doing, but if it stemmed from human malice the shaman might himself secretly be the agent or the cause of the complaint and he was therefore regarded with some suspicion and caution as well as respect. The shaman who abused his gifts from evil motives like personal gain and revenge and practised black magic would rapidly bankrupt his own powers and face severe punishment from both the human and the spirit worlds. Despite these tensions, however, by and large Indian society functioned well on every level of human existence; it secured the physical survival of its members in difficult conditions, provided a rich culture that gave meaning and identity to the individual, and enabled its people to live harmoniously and peaceably together.

This one simple fact – that Indian society worked – seems constantly to have eluded the European. In the beginning it was an understandable mistake. The white man, with no experience of cultures other than his own and no idea of cultural evolution, obviously found a society lacking permanent architecture and large settlements, without the European's notion of land-ownership and with a sense of time based on seasons and empty stomachs rather than on industry and commerce, difficult to comprehend and take seriously. It was natural that he should fit the Indians into the only concepts he already had and either dismiss them as feckless, disorderly, heathen brutes or, more rarely, exalt them as noble savages living in some idyllic Golden Age. It is less excusable that the white man has never replaced these early prejudices with an accurate view of the Indian as a human being with a different background, but has merely modified them to suit the assumptions and requirements of the day, and allowed them to go on governing his relationship with native people into the second half of the twentieth century. Part of the problem lies in the European's classical mental attitudes, which are very alien to the Indian, and which lead the white man to take a logical, causal, categorical view of the world. Anthropology, for instance, which alone of the professions has been concerned with attempting a methodical study of the Indians, has tended to miss the essence of native society by using a critical approach that reduces it to its component parts and re-assembles the pieces to suit particular academic theories. The results of this are, of course, distorting, lacking in the kind of insight that enables one person truly to understand another, and completely unrecognizable to the Indian himself. As Vine Deloria Jr., a Sioux from the United States, has written:

'Indians are ... certain that Columbus brought anthropologists on his ships when he came to the New World. How else could he have made so many wrong deductions about where he was?'

Cultural differences, however, great as they are, represent only one element in the long misunderstanding between white man and red. The Europeans have perpetuated their false pictures of the Indian not simply because they did not know better but because they did not want to know better. They have had to rely on fallacious and bigoted assumptions about native people in order to justify the ruthless treatment of the Indians which, at every stage of colonial history, has been essential to the attainment of white aims, and which is responsible for the situation of the Canadian native today.

Part III: THE CONQUEST OF CANADA

In 1497 Cabot sailed along the coast of Newfoundland and claimed the area for Henry VII of England. Henry, whose eye for a quick profit was unimpressed by accounts of his cold and foggy new possession, decided to invest no further money in its exploration or settlement, but during the next century voyages to Canada were undertaken by a number of Europeans, most notably by the Frenchman Jacques Cartier, who in 1535 ascended the St. Lawrence as far as Hochelaga, where Montreal now stands. During the first part of the 16th century French and English fishing vessels worked off Canada's Atlantic coast and built temporary fish-drying stations on the shore, and the ships' captains and crews traded on an informal basis with the natives for furs. In the second half of the 16th century a growing demand in Europe for beaver-pelts to be used in hat-making made the 'peltry-trade' more important. Monopolies were established to exploit the commercial possibilities of fur-trading, and the first permanent white settlement in Canada, founded by Champlain at Quebec in 1608, was sponsored by a French monopolist as an economic venture.

In Cartier's time the Iroquois had occupied the St. Lawrence valley, but by the beginning of the 17th century they had been driven from this area by Algonkians and Hurons, and it was with these comparative newcomers that Champlain first made contact. The Indians helped him to survive his first harsh winters in Canada, they traded with him and acted as guides; and in return Champlain gave them military assistance against their traditional enemies the Iroquois, whose containment was essential to the smooth conduct of trade. In 1615 the arrival of four Recollet missionaries, reinforced ten years later by Jesuits, complicated the simple pattern of Indian/white relations and introduced a conflict into European policy which was never to be fully resolved. The missionaries, burning with Counter-Reformation zeal, wanted to settle the wandering Indians in villages, teach them agriculture and protect them in their innocence from alcohol and other destructive European goods so that they might easily be converted to Catholicism. Some of the Jesuits wanted to create religious utopias, communities which combined the purity and simplicity of the Indians' traditional way of life with a joyful acceptance of the Christian faith, and to this end they were granted tracts of land on which to establish their villages. The traders, on the other hand, fired by the commercial revolution in Europe, had no interest in souls and sought to keep the Indians hunting for furs and to increase their dependence on European commodities so that they should be committed to trade. A third element in the formulation of colonial policy was the rivalry between Britain and France, made more bitter by the religious conflict in 17th century Europe. Most of England's North American settlements were to the south, in what is now the United States, but this did not prevent the British competing for political and commercial supremacy in Canada. Between 1628 and 1756, when the Seven Years' War broke out, all or part of France's North American possessions changed hand twelve times through war and treaty.

These three considerations – economic, military and religious – dominated white/Indian relations until the end of the 18th century. During this period only a small proportion of Canada's Indians – the Algonkians and Iroquoians round the New France colony based on Quebec, and the maritime Algonkian people near the smaller French settlement of Acadia (later re-named Nova Scotia by the British) – had any prolonged direct dealings with the white man, but the effects of the European presence spread much further. The reason for this was primarily economic. While it is not clear exactly how the Indians viewed the white man himself – they seem to have accepted him with the practical philosophy that they applied to all strange phenomena – they rapidly recognized the superiority of European iron weapons and implements over their own artefacts of wood, stone or bone. Stone hatchets and bone-tipped spears are a poor match against muskets, iron axes, knives and arrowheads, and as one tribe became armed with trade goods, so others needed the same kind of equipment in order to defend and feed themselves. Indians near white settlements acted as middlemen with more remote tribes, and the trading process extended into areas where no European had ever been. The fur trade was a model of mercantile exploitation: the white man exchanged a range of finished products for raw materials that were worth many times what he gave for them, and the Indians had no choice but to barter on his terms.

The impact on native life was enormous. The Indians quickly lost the art of making their own weapons and came to rely entirely on those of the white man. The migratory bands were transformed from hunters for use, whose survival depended on a co-operative enterprise to catch big game, into hunters and trappers of small animals for trade, who could work most effectively in family groups, and their social structure was thus radically changed. The Iroquois, being farmers, had less access to fur-bearing animals than the Algonkians, and were therefore forced to intimidate their weaker neighbours in order to gain enough goods to trade with the white man. This process was intensified by pressure on land from the New England settlers, and by the rapid decline in the population of the beaver, which, with the advent of more efficient weapons and the insatiable demand for pelts, was drastically overhunted. In the 1640s Iroquois war-parties destroyed the Huron and Neutral confederacies and then went on to subjugate lesser tribes in the attempt to achieve a monopoly in the dwindling fur trade in the South East. At the same time white traders were exploring further inland in the search for new sources of pelts. In 1670 the Hudson's

Bay Company was chartered and given rights over a huge area of the North and West, and in 1691 Kelsey, one of the company's employees, reached the Rocky Mountains.

The official white attitude towards the Indians in this period was generally contemptuous and disparaging. With the exception of the Iroquois, whose agricultural society was to some extent familiar to a European and whose military power commanded fear and respect, the natives were, in the words of an early Jesuit missionary, 'to be set down as cowardly, ungrateful and voluptuous' and incapable of 'refined feelings'. The French colonists assumed that because, as Christians, they were 'the eldest children in the house of God', they had complete sovereignty over the unfortunate heathen with whom they came into contact and might deprive them of their land at will. In fact, however, the Indians were protected from the full implications of these views for the first two centuries of colonial history. The white population of New France was small – only 18,119 in 1713 – and the colonists did not need a great deal of land; moreover, the French, unlike the British, tended in practice to live on close and friendly terms with the natives and to intermarry with them, and for much of the time there was no obvious conflict between the two races.

While the fur trade remained important the Indian might be made dependent upon the white man, but he was unlikely to be evicted or destroyed, and while the French and British continued to fight among themselves both sides had much to gain by courting the goodwill and support of the native people. Although Britain and France both officially regarded the Indians as subjects of their respective Crowns, it became expedient, if asking for military assistance, to treat them as free allies, and in this way many of the tribes managed to remain fairly independent.

The military situation was largely responsible for the formalizing of British policy towards the native in the middle of the eighteenth century; the administration of Indian affairs was rationalized and improved, firm boundaries were drawn between the colonies and Indian territory and a clear land purchase procedure established in an attempt to quieten the Indians' discontent and prevent them allying with the French. The need for these principles to be clarified and effectively applied was increased by the fall of New France to the English in 1760 and the serious uprising three years later, led by Pontiac, an Ottawa chief, of Indians who wanted to reinstate the French as a buffer against British encroachments.

In 1763, therefore, a Proclamation was issued by the Crown which confirmed that the Indians had a legal title to the lands they occupied which could only be 'extinguished' by a treaty with the Crown. In addition, the area west of the Appalachians and the Great Lake region were set aside as 'Indian territory' where no white settlements were allowed, while most of the western part of the continent was not considered to be a British possession and there was therefore no question of it being colonized by the English. Future settlement was to be concentrated mainly in Quebec and Nova Scotia, and colonial governors were given instructions to evict white trespassers on Indian land.

Despite the Proclamation's intentions, however, it ushered in a period of intense white expansion; with the conclusion of Anglo-French hostilities the Indians became militarily of less account, their goodwill was less vital to European security, and consequently their land was increasingly seized illegally. By 1773 Lord Dartmouth, Secretary for the Colonies, conceded that 'there is no longer any Hope of perfecting that ... Policy ... that was in Contemplation when the Proclamation of 1763 was issued.' Three years later, partly in order to throw off the Imperial government's attempted restrictions on expansion, Britain's thirteen original American colonies rebelled, and with the defeat of the British in 1783 the Indians' military power and significance was effectively broken. Relieved for the first time from internecine squabbling the Europeans throughout North America found the way open to territorial consolidation and the consequent subjugation of the native.

After 1783 a number of important changes took place in Canada which radically affected the fate of the Indian. In the North and West the fur trade was being carried into more and more remote and inhospitable regions and determining the way that the most isolated tribes would live until the middle of the twentieth century. A letter written in 1822 by a Hudson's Bay agent at Fort Garry illustrates the kind of relationships and attitudes that the fur trade fostered: '... I have made it my study to examine the nature and character of Indians and however repugnant it may be to our feelings, I am convinced they must be ruled with a rod of Iron to bring and keep them in a proper state of subordination, and the most certain way to effect this is by letting them feel their dependence upon us ... In the woods and northern barren grounds this measure ought to be pursued rigidly next year if they do not improve, and no credit, not so much as a load of ammunition, given them until they exhibit an inclination to renew their habits of industry. In the plains, however, this system will not do, as they can live independent of us, and by withholding ammunition, tobacco and spirits, the Staple articles of Trade, for one year, they will recover the use of their Bows and spears, and lose sight of their smoking and drinking habits; it will therefore be necessary to bring those Tribes round by mild and cautious measure which may soon be effected.'

In the southern part of the country, the Indians were facing a different kind of treatment at the hands of the white man. With the arrival in Canada of the United Empire Loyalists from the United States, followed by Scottish settlers and other immigrants from Europe, the Canadian population began to swell, and there was increasing pressure on land. In 1790 the population of Canada, excluding the Maritimes, was 161,311; by 1851 this figure had increased to 1,842,265 and a new territory, Assiniboia, was being settled to the west of Upper Canada, in what is now Manitoba, and the populations of the other provinces were rising as quickly.

In the 1840s the colonization of British Columbia, which was most easily accessible from the Pacific Ocean, began in earnest. The West Coast chiefdoms, who had little contact with the white man, suddenly had to make way for an influx of settlers. Again, a contemporary document reveals the white attitude towards the Indian, and, in this case, the Indian attitude towards the white man. This is the account, recorded by an early British Columbia settler, Gilbert Sproat, of a conversation between himself and a local chief: 'We see your ships, and hear things that make our hearts grow faint. They say that more King-George-men will soon be here, and will take our land, our firewood, our fishing-grounds; that we shall be placed on a little spot, and shall have to do everything according to the fancies of the King-George-men.'

'Do you believe all this?' I asked.

'We want your information', said the speaker.

'Then', answered I, 'it is true that more King-George-men (as they call the English) are coming; they will soon be here; but your land will be bought at a fair price.'

'We do not wish to sell our land nor our water; let your friends stay in their own country.' To which I rejoined: 'My great chief, the high chief of the King-George-men, seeing that you do not work your land, orders that you shall sell it. It is of no use to you. The trees you do not need; you will fish and hunt as you do now, and collect firewood, planks for your houses, and cedar for your canoes. The white man will give you work, and buy your fish and oil.'

'Ah, but we don't care to do as the white men wish.'

'Whether or not', said I, 'the white men will come. All your people know that they are your superiors; they make things which you value. You cannot make muskets, blankets or bread. The white men will teach your children to read printing, and to be like themselves.'

'We do not want the white man. He steals what we have. We want to live as we are.'

This conversation reflects the changes in attitude that took place during the 19th century. During the 18th century the myth of the 'Noble Savage' had prevailed, and the typical colonial policy-maker of the period had been a tolerant, pragmatic patrician statesman of the Enlightenment, living in London and remote from the reality of the frontier, viewing the natives half with amusement, half with admiration, and believing that when they were not being of practical use to the government they should be left alone. In contrast, the 19th century attitude was profoundly paradoxical, being both more ruthlessly expedient and more idealistically concerned. The Romantic reaction to the Age of Reason, the Evangelical movement with its passion for soul-saving, the spread of Darwin's evolutionary theories about the Survival of the Fittest, the confident imperialist's belief in Progress, all contributed to the 19th century atmosphere in which the 'final solution' to the 'Indian Problem' was conceived. All the contradictory and conflicting aims and attitudes of 250 years of colonial history came together in the settlement which Canada imposed on its native people in the second half of Victoria's reign. The myth of the Noble Savage persisted, and with it the old idea of simple, pious Indian communities, converted to Christianity but protected from the worse effects of white civilization; at the same time the other stereotype of the native, the indolent, unreliable, dirty heathen, re-emerged to excite the fear, pity and contempt of the sober, industrious Protestant

settlers who were pouring into Canada. There was a third, specifically Victorian, view of the Indian, compounded of 19th century science and Old Testament religion: the idea of the 'doomed race', condemned by History and the hand of God, which would become extinct by the inevitable process of Natural Law. This comforting notion removed from the white man much of the moral onus for the destruction of the Indian, and made the new settler an agent of Destiny.

The deep contradictions between these views were not, of course, evident at the time. The assured Victorian empire-builder had neither the time nor the inclination to examine his motives and assumptions very closely. It was easy to evict from their lands a people who were already condemned by Evolution; easy to destroy a society whose heathen beliefs threatened the souls of its members; easy even to sentimentalize with a good conscience about the simple life which must inevitably perish. In 1851, for example, Henry Lewis Morgan, who admired and had studied the Iroquois, wrote:

. . . 'the shades of evening are now gathering thickly over the scattered remnants of this once powerful League . . . The Iroquois will soon be lost as a people, in that night of impenetrable darkness in which so many Indian races have been enshrouded. Already their country has been appropriated, their forests cleared, and their trails obliterated. The residue of this proud and gifted race, who still linger around their native seats, are destined to fade away, until they become eradicated as an Indian stock. We shall ere long look backward to the Iroquois, as a race blotted from existence; but to remember them as a people whose sachems had no cities, whose religion had no temples, and whose government had no records.'

Against this background the final assault on Canada's remaining free Indians, who occupied more than half the country, began in the 1870s. In 1867 the British North America Act, making Quebec, Ontario, New Brunswick and Nova Scotia into a confederation, virtually independent of the United Kingdom, had come into force, and by 1880 all of Britain's North American possessions except Newfoundland had passed to Canada. As in the United States a strong nationalist spirit, and a conviction that 'manifest destiny' was pushing them ever further west, was widespread among Canadians, and the new parliament in Ottawa passed a series of acts extending its sovereignty over the northern and western parts of the land, much of which had previously belonged in theory to the Hudson's Bay Company but in practice to the Indians. The old Canadian provinces on the eastern part of the continent were now separated from the new colony of British Columbia on the Pacific coast by thousands of miles of prairie, and there was considerable pressure to clear the intervening area of Indians, build a railway linking the two sides of the country and settle white people along its route. Both Indians and whites had learnt of the ferocious battle of the Plains in the United States, and each side was wary of the other. The government's anxiety was increased by the Red River Rebellion of 1869, in which the Metis, under Louis Riel, rose to demand recognition of their land rights, and it was decided that before white people started moving into the West there should be a clear settlement of the land issue. A series of negotiations were held with Indians in different regions to arrange for 'treaties' by which they would surrender their traditional hunting territories and accept settlement on reserves. These 'numbered' post-confederation treaties, modelled on agreements with the Indians on Lakes Huron and Superior in the 1850s, provided that in return for their land the natives should receive small plots – usually 160 acres per family of five – medical services, schooling, agricultural equipment and advisers and gifts and annuities: under Treaty Number Two, for example, chiefs were to be paid $25 a year and other Indians $3 a year. In June 1871 Lieutenant-Governor Archibald began talks on the first treaty with Ojibway and Swampy Cree Indians, and he explained the government's ideas to his audience:

'Your Great Mother wishes the good of all races under her sway. She wishes her red children to be happy and contented. She wishes them to live in comfort. She would like them to adopt the habits of the whites, to till land and raise food, and store it up against a time of want . . . Your Great Mother, therefore, will lay aside for you "lots" of land to be used by you and your children forever. She will not allow the white man to intrude upon these lots. She will make rules to keep them for you, so that as long as the sun shall shine, there shall be no Indian who has not a place that he can call his home, where he can go and pitch his camp, or if he chooses, build his house and till his land.'

The treaty was signed on 3rd August 1871.

There has been some controversy about whether the Indians understood what they were agreeing to. They were hunters, to whom the European concept of land-ownership was alien. They were illiterate and had to communicate through an interpreter, and there is evidence from the memoirs of Alexander Morris, who took over the negotiation of treaties from Archibald, that some clauses were promised verbally which were never written into the final document. Some people believe that when a chief could not be persuaded to agree, a cross was fraudulently put against his name to signify his 'mark'. On the other hand, contemporary accounts show that in at least some of the treaties painstaking efforts were made to explain to the Indians the full implications of signing, and the fact that during negotiations for some of the later treaties the Indians fought hard to retain hunting and fishing rights over ceded territory indicates that they were to some extent aware of what was involved and of how to bargain from a weak position. In the final analysis, from the white point of view, it mattered little what the Indians felt. Archibald recalled that when the chiefs with whom he was talking pressed for much larger reserves than those he was offering:

'We told them that if they wished it or not, immigrants would come in and fill up the country, that every year from this one twice as many in number as their whole people there assembled would pour into the Province and in a little while spread all over it, and that now was the time for them to come to an arrangement that would secure homes and annuities for themselves and their children.'

'If they thought it better to have no treaty at all, they might do without one, but as they must make up their minds if there was to be a treaty, it must be on the basis like that offered.'

The Indians had little choice but, as Chief Mewedopenais said, to 'deliver over the birthright and my lands'. Between 1871 and 1877 seven treaties were signed, giving the government all the southern part of the prairie provinces. The promised large-scale programme to help the Indians become farmers never materialized and in 1885, when Louis Riel declared a Metis republic at Batoche, in Saskatchewan, half-starved Indians from all around were encouraged to gather at the white community of Battleford to demand food and the satisfaction of their treaty rights. The government panicked and responded by sending detachments of the newly-formed North West Mounted Police and army units under General Middleton to arrest the leaders and return the Indians forcibly to their reserves, and after some indecisive skirmishes and a final attack on Batoche in which Riel was captured this aim was achieved.

Next year the first through-train ran from Montreal to Vancouver, and white supremacy in the West was finally established.

As the treaties were signed a system of Indian administration was established which embodied all the disparate themes of white policy over the preceding three centuries. There was still no fundamental agreement as to what should become of the Indians. Some people took the 'realistic' view that in a modern progressive nation like Canada tribal or semi-tribal societies could not long endure, that the natives were destined to disappear like 'snow before the sun' and that official policy should be designed to assimilate them to white culture as rapidly as possible. On the other hand many people shared the vision of Alexander Morris, the treaty negotiator, who had witnessed and sympathized with the plight of the Western tribes. Morris wrote of the future:

' . . . I see all the Indians, I see the Queen's Councillors taking the Indian by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. . . . I see Indians gathering, I see gardens growing and houses building; I see them receiving money from the Queen's commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting and fishing as before. I see them retaining their old mode of living with the Queen's gift in addition.'

Morris thought that with 'Christianity and civilization' to 'leaven the mass of heathenism and paganism among the Indian tribes', and with a 'wise and paternal government . . . doing its utmost to help and elevate the Indian population' the Indians would be transformed into 'loyal subjects of the Crown, happy, prosperous and self-sustaining . . .'

The result of the conflicts of doctrine among white policy-makers was a confusion and obscurity about long-term aims which proved ultimately to be disastrous, but in the meantime it was agreed that the first stage of any policy should be the isolation of the Indians on reserves where they could be protected from their own fecklessness and from the danger of exploitation by unscrupulous whites, and could be converted to Christianity and trained in the 'habits and ideas of a higher civilization'.

The treaties and the reserve system transformed the Indians almost overnight from free hunters into prisoners in their own country. Although, before the 1870s, all the Indians in Canada had to some extent been affected by the coming of the white man, most of them,

particularly in the remoter areas, had been able to adapt to the new conditions within the framework of their own social and cultural traditions. Now, when they were already weakened and demoralized by disease, hunger and the increasing problems of following their traditional way of life, the Victorian system, cutting them off from their own roots and denying them access to the new society that was growing up in their former territory all around them, confronted them with an acute physical and cultural crisis. They were confined on reserves where they were out of the public eye and could conveniently be forgotten in the excitement and struggle of building a new country, and their only contact with the outside world was through the small number of white men who were paid to run their lives for them and to eradicate all traces of 'Indianness'. The legal instrument of their imprisonment and oppression was the Indian Act of 1880, which isolated the Indian from the rest of Canadian society by a rigorous definition, and laid down the regulations that were to govern his life. The Minister of Indian Affairs in Ottawa had responsibility for every one of a band's resources, including land, housing, capital and income, livestock and equipment, and he had ultimate authority over medical services, employment and education, although in practice, for reasons of piety and economy, the provision of schools was usually delegated to the Churches. He was served by a bureaucracy consisting of provincial and regional superintendants, and an agent on every reserve who exercized near-dictatorial powers over the day-to-day life of the community. If an Indian wanted to leave the reserve for any reason, if he wanted to build a house or cultivate a piece of land he first had to ask the agent, who might take months reporting to and receiving a reply from Ottawa. The only way to escape from this restricted and oppressive existence was by 'enfranchising' and becoming an ordinary Canadian citizen, which was fraught with legal difficulties and in effect meant ceasing to be an Indian. The Act of 1880 laid down that in a request for enfranchisement 'the Superintendent-General shall authorize some competent person to report whether the applicant is an Indian who, from the dgree of civilization to which he or she has attained and the character for integrity, morality and sobriety which he or she bears, appears to be qualified to become a proprietor of land in fee simple . . .' If the application was at last accepted, the Indian had to undergo a three-years' probation before his new status was finally confirmed.

The effect of this structure was to bring the whole complex system of relationships and meanings that made up Indian life under concerted and persistent attack. At one stroke the government swept the Indians' economic base from under them and imposed a stiflingly heavy and totally alien bureaucracy on them from above. The migratory hunting existence which had given shape to native society and made every individual within it vitally important was actively discouraged and quickly rendered unviable for the majority of Indians, while the values which it promoted became increasingly irrelevant. The ceremonies and rituals which harmonized the spiritual and social life of the band and gave its members a sense of personal significance and group identity were deplored as heathen superstition, and celebrations such as the Sun Dance and the West coast people's Potlatch were banned. Indian children were sent to boarding schools for ten months of the year to separate them from 'the degrading influence of their home life'. By its very nature this educational arrangement disrupted the intricate pattern of relationships between child, parents, extended family and elders and the smooth transmission of beliefs, skills and knowledge from one generation to the next; but it deliberately accentuated the divorce of the child from his background by discrediting his culture, punishing him for speaking his own language, and preaching the superiority of white attitudes and accomplishments. The government further weakened the social structure by supplanting traditional leadership and decision-making processes, based on consensus, by a system of band councils and chiefs, elected on a majority vote as in a Western parliamentary democracy. The possibility that this innovation might allow the Indians a dangerous measure of autonomy was not overlooked; the Minister could dismiss the chief and council if he chose, and countermand any of their decisions of which he disapproved.

It should be stressed that the people charged with carrying out these policies were often well-intentioned individuals with an exemplary dedication; indeed, as Don Whiteside points out in his comparative study of the Indian service in Canada and the United States, the administration's destructive effects were intensified by the very integrity and devotion to duty of many of its personnel. Very little of the Indians' hardship was the result of deliberate brutality, and it is of course absurd to suppose that courses of action which in retrospect appear to have been misguided or dangerous seemed so at the time. Nonetheless, the government did fail to respond to plain evidence in the first part of this century that things were not going well. For instance, just after the end of the First World War, a United Church missionary, Roy Taylor, wrote critically of 'a system which has created a great family of wards' and he added: 'A word or two with reference to the spiritual status of the Indian: it would appear that in this he has been pauperized. Much devoted Christian work has been done and is being done, but somehow we must confess that here, as well as in the material life, we have missed the mark . . .' The government ignored warnings of this kind, perhaps because the Indian was remote from everyday life and politically totally insignificant, and continued to operate an administration whose effects grew progressively worse.

The Indian was indeed being pauperized. Under the constant and inescapable stresses of the new regime, Indian society was disintegrating, although some tribes were better able to resist or adapt to the new conditions than others. The maritime Indians, with a long history of co-existence and intermarriage with the French, had already made considerable adjustments to the European, and some of the West coast bands, with their hierarchical social structure, found it easier than the forest tribes to accommodate the materialistic and competitive values of white society and to understand its political and legal institutions. As early as the 1900s a number of British Columbia bands had organized themselves to fight in the courts for recognition of their land claims. A large proportion of the 'ferocious Iroquois' fought stubbornly to maintain their traditional religion and social structure, and even when their chiefs were arrested in the 1890s in an attempt to break resistance to the new order they continued the struggle. The majority of the Athapaskan and Algonkian bands, however, who comprised the greater part of Canada's Indian population, were totally unprepared for the shocks of the post-treaty period. Everything about white society was alien to them, and their fatalistic acceptance of life and their stoic reluctance to show emotion made it difficult for them to be articulate in white terms or to seek redress for their wrongs. Instead they tended to withdraw into themselves, and present a sullenly impassive face to the world which the white man misunderstood and misinterpreted.

The process of social breakdown and its effects intensified as reserve life became the norm of Indian existence. The older Indians, those who had grown up before the reserve system had become well-established and had acquired little or no white culture and language, found a measure of social and cultural security in their traditional background, but the second and third post-treaty generations were placed in a more difficult and equivocal position and faced a more acute problem of cultural identity. Formal schooling threatened and weakened their own 'Indianness' and taught them to think and see, at least partially, in the terms of white culture, but it did not equip them to take a place in white society. The fact that they were being trained to renounce and despise their own traditions and to believe that success was inextricably involved with 'whiteness' produced a serious crisis among a large proportion of Indian children, and their academic performance was usually poor. At the end of the educational process they emerged into an adulthood in which they were still treated very much as children who could not assume responsibility for their own affairs. This situation was not merely the result of conditioning and prevailing white attitudes, but stemmed from the basic legal concept of the reserve system. In law, a reserve belonged to the Crown rather than to the band which inhabited it, and it was the government's function to exploit its economic potential *for the benefit* of the Indians, who were not considered competent to work it themselves. If an Indian farmed his own land, for instance, his livestock and equipment belonged to the Department, who told him exactly what to do and took his profits to be used in projects devised in Ottawa; if, on the other hand, he allowed the agent to arrange for his land to be leased to a local white farmer, he received part of the rent as personal income and was free to go on welfare or take occasional unskilled jobs. In these conditions the Indian learnt to have a very poor view of his own abilities. He had a strong disincentive to work, and very little opportunity to show the initiative or develop the skills that would enable him to become self-supporting and free from the paternalistic handouts of the white man. The more the government pursued this policy the more it undermined the Indian's self-confidence and self-respect, and the more expensive became the programmes designed to alleviate Indian poverty. Nonetheless, the administra-

tion found it cheaper to keep the Indians at a low level of subsistence on welfare than to make the enormous capital expenditure required to give them independence. Whether or not it was consciously calculated, the effect of this system was to breed an internment camp mentality in which the Indians were forced to co-operate with the authorities in order to survive, and could not protest too vociferously about their conditions for fear that their meagre supplies of food and money would be cut off. The fact that the Indian population was widely-dispersed and comprised people who spoke many different languages, and that most individuals were too poor and too restricted to travel, meant that it was almost impossible to organize a coherent national body of native people to publicize their problems and press for their redress. These difficulties were compounded by the Indians' growing lack of faith in themselves and their ignorance of how to manipulate white institutions, and early attempts to form native associations in the 1920s and 1930s were regarded with suspicion by Indian people themselves, as well as being thwarted by the government and other white agencies. Cut off from each other, and conveniently kept out of the way of white Canadians, the Indians could not make any contact with, or adaptation to, the outside world, and had to suffer their growing problems in isolation.

One room house of 'Post' Indians North-West Territories Paul Popper Ltd.

Part IV: POLICIES, PATERNALISM AND ECONOMICS

Over the past thirty years increasing efforts have been made to tackle the problems which the system of Indian government has created in Canada, but the material, social and psychological hardships of most native people have persisted and in many cases worsened. White attitudes after the last war were, in their way, as doctrinaire about what the Indian was and what he should become as those of earlier times, and the policies of the period were still paternalistic, insufficiently radical and not fully worked out. They failed to shift the bureaucratic deadweight or end the enforced isolation that had become fundamental conditions of Indian life and root causes of their problems, and the mild reforms which were instituted proved in the end to be at best mixed blessings. Nonetheless, the changes of the 1940s and the 1950s were the first steps in the emergence of organized Indian leadership which could present its own proposals for the future of native people.

In 1940 the Minister of the Interior, J.A. Crear, declared that the Indians were not 'mentally and temperamentally equipped to compete successfully with the white population' and that therefore the government was abandoning its efforts 'to equip the Indian to work and live in the white urban communities . . .' By the end of the decade this reversal had itself been reversed in favour of a policy of liberalization and integration. During the Second World War many Indians had served, and a number of them distinguished themselves, in the Canadian armed forces, and this experience brought members of the white and native races together and highlighted the differences between them and the conditions in which they lived. In the late 1940s the Senate, feeling that something should be done about the problems of native people and under some pressure from Indian leaders, established a committee to consider revisions to the Indian Act, and for the first time Indians were themselves consulted about the kind of changes they would like to see made. The hearings brought to light and made known disturbing facts about Indian life, like the evidence of Dr. Frederick Tisdall that Canada's 65,000 'bush Indians', living in the North of the country, were 'chronically

sick' from malnutrition. In 1950 Indian Affairs, which since 1936 had been a branch of the Department of Mines and Resources, was transferred to the Department of Citizenship and Immigration, and the following year the new Indian Act was passed, giving greater autonomy to band councils and easing certain legal restrictions. The government began to reconsider its educational responsibilities and to improve health services, and at the same time expenditure on the Indians started to rise dramatically. In 1945-6 the government spent $4.4m on Indian programmes, excluding health; by 1960-1 this figure had increased to $46.4m and by 1969-70 to $203m.

During the 1950s the spread of the media – especially television – helped to foster more mutual awareness between reserve communities and the outside world. After the depression of the 1930s and the rigours of the war, Canada was entering an era of confidence and prosperity, and a small but growing number of whites, partly under the influence of the Civil Rights movement in the United States, believed that the legal and social disabilities under which the Indians lived should be removed and native people should be admitted to the larger society on equal terms. It was felt that the Indians, given relief from isolation and discrimination and a programme of intensive education and training, would be able to take their place in the modern world like anyone else. The liberal believed it was the Indian's right, rather than his duty, to become a white man. This view had a profound effect on the formulation of government policy.

The more enlightened atmosphere stimulated changes in native society. Some Indians married into the white community; others either enfranchised or simply left the reserve to go to the expanding cities in search of work and better living conditions. The exodus was accelerated by a sharp rise in Indian population which made the reserves overcrowded and poorer than ever: in 1931 there were 108,000 status Indians, in 1951 145,000, and in 1965 218,000. By 1961 5,500 Indians were living in Winnipeg, 4,000 in Edmonton, 3,000 in Toronto and many thousands more were dispersed among smaller towns and cities. Some of those who moved were successfully absorbed, but the majority found that they lacked the kind of skills, education and social responses necessary for acceptance in white communities and white jobs. The problems of the urban Indian increased in a vicious circle: the presence in towns of a large identifiable minority who had difficulty in adapting created fear and prejudice among white people, whose response worsened the symptoms of maladjustment in the Indians and in turn provoked a more hostile reaction from the whites. Despite this situation, the growing gap between conditions on the reserves and elsewhere drove increasing numbers of Indians to seek their fortunes in the cities, and once they had made the move it was difficult for them to go back. Those who had enfranchised were legally prohibited from reversing their decision, and many others were frightened to return to reserves where they would be seen to have failed, where there was no work and they might be ostracized for having betrayed their own background. A large number therefore lingered on on the periphery of urban life, alienated, demoralized, unable to get decent accommodation or permanent jobs and suffering, as a group, from acute problems of drunkenness and delinquency. Discrimination, and its consequences, tended to be worst in small towns where the white population felt deeply threatened by large native minorities whose behaviour seemed a negation of the traditional protestant standards of decency on which Canada was built. Kenora, Ontario, for instance, which in 1961 had 11,000 white inhabitants and was regularly used by about 3,000 Indians from the surrounding area, was described by a community worker as '. . . a world of its own'. He said: 'There you see the extremes of social breakdown. It's the one place I've been where you see twelve- and thirteen-year old children drunk on the streets, children of Indian background.' Stories of Indian irresponsibility, such as the account of an unemployed Indian and his wife who spent a $400 cheque by leaving their children and going on a two-day spree that cost them $200 in taxi fares, hardened white attitudes. There was a resentful feeling that the government was spending hard-earned taxes on keeping the ungrateful native idle and inebriated, and that, as an Alberta rancher put it, 'What the Indians need is to be kicked off the reserves and told to root or die.'

The 1950s also saw the start of the government's new approach to education. The administration was to take greater control over reserve schools to ensure that standards were maintained or improved, and wherever possible Indian children were to be integrated into white schools run by provincial authorities. The integration policy quickly ran into difficulties. Indian children, with their distinct cultural and linguistic backgrounds, were seriously disadvantaged in a school system that was exclusively designed to meet the educational needs of white people, and found much of the curriculum irrelevant or incomprehensible. They suffered bullying and discrimination from their white fellows, and teachers found them 'difficult' and misinterpreted the impassive, unemotional behaviour that is characteristic of many native cultures. These problems were exacerbated by the poor material conditions on most reserves; Indian children were sent home to overcrowded shacks where there were few books, where there was little tradition of white learning and no place for them to do their homework, and where they frequently did not get enough food and sleep. The child carried his cultural dilemma – the choice between 'success' in an alien white world and poverty and failure in his own – home with him to the reserve. Parents who despaired of the Indians' traditional ways encouraged their children to forget their own language, and in doing so they widened the Indian generation gap. The elders, most of whom could not communicate in English, felt betrayed by the disrespect which young people showed for them and the traditions they were trying to uphold. Social problems in many communities were further worsened by a change in the law regarding alcohol, which had previously been totally prohibited on reserves. It was now the responsibility of each band to decide whether its own reserve should be 'dry' or not, and those which allowed liquor to be brought in suffered an increase in alcoholism, family breakdown and the other disorders associated with drink. In these circumstances it is not surprising that the academic performance of most Indian children remained poor. Figures produced at the end of the 1960s showed that 61% of Indian children dropped out before Grade Six (about first or second form standard in an English secondary school) and 97% before Grade Twelve. There were only 150 Indian students enrolled in full-time courses at university.

The experience of rebuttal and failure in attempts at integration was largely responsible for a change in mood among the Indians during the 1960s. The most obvious manifestation of the new spirit was a sudden increase in the number and effectiveness of Indian organizations. In the early part of the decade the first country-wide native body, the National Indian Council, was formed to represent both status and non-status people throughout Canada. The Council encountered many difficulties, most notably in trying to further the interests of two groups who were separated by important legal distinctions, but it provided valuable political experience for Indian leaders. At the end of 1967 the Council met to dissolve itself and to form two different organizations, the Native Council of Canada for the non-status people and, after two years of preparatory work, the National Indian Brotherhood for the status Indians. The development of national bodies was linked with a growth in regional and provincial associations which accelerated after 1965: of 90 native political organizations formed between 1800 and 1973, sixty were founded in the last eight years of that period. In 1970 the Executive Council of the National Indian Brotherhood, made up of the heads of territorial and provincial Indian organizations, met for the first time under its first President, George Manuel.

The movement towards organization was prompted by a number of factors. Increasing impatience with the cumbersome machinery of Indian administration and growing disillusion with the policies which the government had been pursuing since the war were accompanied by a resurgence of pride and interest in Indian culture and a growing determination that the Indians should resume control over their own destinies. The movement drew strength and encouragement from other minority groups, like the blacks in the United States and the French in Canada itself, who were reacting against the idea of absorption and asserting their independence and distinctiveness. An interest in 'Indianness' was also developing in parts of the white community, particularly among the young, who thought that the traditional Indian way of life offered alternative, and preferable, values, to those of the larger North American society. The most important factor was the emergence of a new generation of Indian leaders, intelligent, articulate and better-educated than their predecessors, who reversed the trend towards assimilation into white society which had drawn off many able native people in the past. The new leaders sought ways of returning to their people a sense of pride, self-sufficiency, adjustment and direction, and enabling them to gain social and economic parity with the rest of Canada without having to renounce their Indianness. They understood the nature of white institutions and how they could be manipulated, and recognized that a strong and united Indian voice must be developed through organization.

In practical terms, the leaders of the late 1960s concentrated on three main areas: land and treaty rights, socio-economic development and education. The issue of land was vitally important not only because it offered a potential economic base on which Indian prosperity could be built, but also because it had great symbolic importance. The Indian view is, as the Yukon Native Brotherhood put it: 'Without land Indian people have no Soul – no Life – no Identity – no Purpose. Control of our own land is necessary for our Cultural and Economic Survival.' To some extent the 50% or so of status Indians who lived under treaty, signed to last for 'as long as the sun shall shine', enjoyed formal recognition of their special relationship with, and attachment to, their land, although it was widely argued that the treaties had been swindles in the first place and had never been properly fulfilled. The non-treaty Indians, however, who had been herded on to reserves in an arbitrary fashion during colonization, had no such security and acknowledgement, and they pressed the government to come to an agreement with them based on the concept of their 'aboriginal right' to territory which their ancestors had occupied at the time of the white man's coming. They argued that the Proclamation of 1763, which had never been repealed and was therefore taken to apply to the whole of modern Canada, stated and confirmed the official British policy of recognizing an aboriginal title to land which could be extinguished only by direct treaty with the Crown. Since this procedure had only been followed in Alberta, Saskatchewan, Manitoba and parts of Ontario and the Northwest Territories, in effect Indians were claiming that more than half Canada belonged to them, and their leaders were demanding a settlement based on nothing less than full recognition of this claim. In the area of economic development the Indians wanted a massive programme of material and expert assistance to help them exploit the commercial and agricultural potential of their land and to evoke the skills and social structure needed to manage their own affairs. In education, their aim was for a curriculum tailored to the special needs of native children, a greater provision of training schemes for Indian teachers and other professionals, and more Indian control over the schooling of their young. The vociferous presentation of these demands was accompanied by other signs of Indian activity: the establishment of native friendship centres in towns and of Indian Cultural Colleges where traditional knowledge and beliefs could be passed on and preserved; and a series of protests over specific grievances, like that of the Hay Lake Band in Edmonton in 1965 and the Jay Treaty demonstration four years later.

The government, meanwhile, was pushing ahead with its own policies. There were some attempts at consultation with the Indians during the late 1950s and 1960s, but these had little effect on the course being followed by the administration. The government-sponsored Hawthorn Report of 1967, which dealt in some detail with the conditions and problems of the Indians, stressed that: '... the general aim of the federal government's present policy is based on the necessity of integrating Indians into Canadian society.' Indian leaders were suspicious of this approach, which they feared would mean 'assimilation by coercion' rather than 'participation by consent'. The Hawthorn Report itself noted:

'The Government's policy on the preservation of Indian languages and cultural traditions, for example, is not clear. As a general rule they are not assigned much importance. This makes it difficult to distinguish between a policy of integration and a policy of assimilation, which allows the loss of the basic cultural values of the integrated ethnic group.'

The increasing expenditure on the Indian, and the creation of programmes in new fields like community development, had less beneficial effect than might be expected from looking at the sums involved. Not only was the money still being spent *for* the Indian rather than *by* him, but remarkably little was actually being spent on Indians at all. In 1970-1, for instance, of $228.3 million expended in the Indian and Eskimo Affairs Programme, $175.4 million was classified as 'operating expenses'. The main beneficiary of the increased budget, therefore, was an expanded government department, and, as George Manuel says, 'One wonders if the Indian people are not used to provide well-paying jobs to non-Indians'. The growth in size of the Department accentuated the problems of overweight, inefficiency and unresponsiveness to which, like any other large bureaucracy, it is prone. Red tape has held up or completely prevented the implementation of urgently-needed projects, like the scheme to provide new housing and clean water for Indians living near Hornepayne, Ontario, who were living in makeshift shacks and drinking what was described as 'raw sewage'. The job was abandoned at the last moment because the federal and provincial governments squabbled over how much money each should contribute. As a result of disputes over cost-sharing, $1 million of the Ontario Development Branch's $1,400,000 budget remained unspent in 1968, despite the fact that two reports were published that year showing that Ontario Indians had 'acute problems of poverty, disease, substandard housing and unemployment'.

In 1966 the Indian administration was again moved, this time to form part of the new Department of Indian Affairs and Northern Development. Two years later a general election brought into office the Liberal government of Pierre Trudeau, and a new Minister of Indian Affairs, Jean Chretien, was instated. The idealistic object of the new government was the creation of a 'Just Society', and Indians took hope that their historic grievances might be redressed. Mr. Chretien announced his intention of holding a series of consultative meetings to discuss a radical overhaul of the Indian administration; Indian leaders responded by unanimously agreeing, in April 1969, that there should be no talks until the question of land rights had been settled. Two months later the government published a white paper, setting out its proposals for change in Indian Affairs. Indian leaders were surprised and disappointed that the administration should have made this move before the consultation meetings were under way, and they were further disturbed that the opening words of the document were: 'Indian people must be persuaded ...' The Prime Minister added to their disquiet by making a speech in which he stated that his government would not recognize aboriginal right, and said: '... perhaps the treaties shouldn't go on forever. It's inconceivable, I think, that in a given society one section of the society have a treaty with the other section of the society'.

The declared objective of the policy proposal was '... the full, free and non-discriminatory participation of the Indian people in Canadian society'. Its substance was that the Department of Indian Affairs should be run down – a timetable of five years was suggested for this process – and its functions distributed among the appropriate branches of the provincial governments, while the Indians' special legal status, and the restrictions and privileges it carried with it, should be terminated under a revision of the Indian Act. Mr. Chretien stressed that his proposals were a response to 'the dangers of failing to strike down the barriers that frustrate Indian people' and that he wanted to make the Indians 'full members' of 'a truly open society' in Canada.

In fairness to the government, it should be remembered that the proposals of 1969, like earlier Indian policies, were well intentioned, and that they were designed only as a basis for discussion. Nonetheless, the timing and presentation of the white paper were extraordinarily tactless and its contents showed a grave misunderstanding of the Indians' mood and aspirations. Indian leaders were naturally thoroughly alarmed that the government was seeking to abolish the few remaining rights on which they were struggling to rebuild their pride, independence and identity as a race. The publication of the proposals united the Indian organizations and galvanized them into opposition. Their cause was widely-publicized in the Press, and Harold Cardinal, President of the Indian Association of Alberta, produced a logical and forceful denunciation of the government's policies in his book 'The Unjust Society'. He reiterated the Indians' view:

'If the government does not intend to honour its earliest and most sacred obligations to the Indian people ... then ... the Indian people will not deal with them ... If it is not now clear to the honourable minister Mr. Chretien, and to his deputy minister, Mr. MacDonald, that we will not talk with the government until the question of our rights is settled, then only God knows how to communicate with them, and if He does know how, surely He would have told them by now that they had not understood us.'

Under concerted pressure, and after many months of public debate, the government finally gave way and abandoned its 1969 plans. In a speech given in March 1971 Jean Chretien stated:

'The Government does not intend to force progress along the directions set out in the policy proposals of June 1969. The future direction will be that which emerges in meetings between Government and Indian representatives and people.'

In the long term, the process of opposing the White Paper has been of great value to the Indians. Not only has it proved and strengthened their organizations, but it has clarified their minds on important issues and, in answering the government's pained question, 'what do you want?', Indian leaders have been able to

formulate and present their own proposals. To quote Harold Cardinal again:

'What the Indian wants is really quite simple. He wants the chance to develop the resources available to him on his own homeland, the reserve. What he needs to make this possible includes financial assistance, enough money to do the job properly so that he does not fail for lack of adequate financing; training in the precise skills he will need to develop the resources, training so practical and appropriate to the task that he will not fail because he does not have the know-how to do the job and, finally, access to expert advice and counsel throughout the stages of development so that he will not fail because he was given the wrong advice or no advice at all. With the money, know-how, and expert guidance, then if the Indian fails, at least it will not be because he didn't try to succeed, and at least it will not be because he was not allowed to try.

'One key factor remains, Indian involvement. Our people want the right to set their own goals, determine their own priorities, create and stimulate their own opportunities and development . . .'

This statement could almost be taken as a blueprint for the Indians' current aims. In trying to attain them, the leaders and organizations have continued along the lines they started to follow in the 1960s, and over the past few years they have made some progress in every major area of concern. After widespread discussions the Indians' educational objectives were set out in an N.I.B. paper, 'Indian Control of Indian Education', which was presented to Jean Chretien in December 1972. The proposals were based on the principle of 'parental responsibility and local control' and demanded that authority for reserve schools should be transferred to the bands concerned and that Indians should be represented on provincial school boards. They also asked for a revision of curricula in Indian schools, to remove the emphasis on the white viewpoint and the 'savage' image of the native, to perpetuate the values of the child's own culture and to give him an education relevant to the kind of life he would lead as an adult. In addition, the paper requested the provision of better facilities and improved services for the training of Indian personnel in teaching and other skills and professions. It concluded by saying that if the policy were accepted, 'eventually the Indian people themselves will work out the existing problems and develop an appropriate education programme for their children'. In February 1973 the government committed itself to implementing the proposals.

There has been less progress in the field of social and economic development, largely because the problem is on an enormous scale and solving it will involve the expenditure of huge sums of money over a prolonged period of time. The precise needs and potentialities of Indian communities vary greatly from region to region and reserve to reserve, but Indian leaders are aware that there are vast common difficulties underlying the almost universal ills of economic deprivation. The Yukon Native Brotherhood, for example, in its paper 'Together Today for Our Children Tomorrow', states:

'Many of our Communities are completely underdeveloped. There is unemployment, sickness, poor sanitation, little or no social recreational activities; there are school dropouts, people in jail, children sent away to hostels, etc. These Communities are not only undeveloped, they are sick. It is the general health of the Community which we are concerned about. The spiritual health, the economic health and the social health.'

In April 1970, in an attempt to tackle some of these problems, the Department of Indian Affairs set up a $50 million Band Economic Development Fund to be used over a five-year period. In his paper, '*Indian Economic Development: a Whiteman's Whitewash*', George Manuel demonstrated the inadequacy of this provision and highlighted the disadvantages which the native faces in comparison with other Canadians:

'Prince Edward Island with a per capita income of $2,000 is considered sufficiently handicapped to justify a total outlay of $725 million, that is, $6,500 for each of the 110,000 islanders. While our people with incomes a fraction of that amount and a population of twice that size are expected to be grateful for a fund of $50 million. This $50 million fund is for a five year period, $40 million of this fund is for loans at high interest rates. Only $10 million is available for grants during the 5 year period. Even more disturbing is the fact that interest on the loans goes back to the government and does not become additional capital for Indian development. This means that, considering the high interest rates, the Government will at our expense be totally reimbursed for this outlay within a few years.'

Using the estimate of the Canadian Department of Regional Economic Expansion that each new job created requires $30,000 capital, George Manuel calculates that the Indians need a fund of between $1,000 million and $1,500 million to set them economically on their feet, and he stresses the need for loans of the kind that the government makes to developing countries: i.e. with low, or no, interest and long repayment periods. The government is being asked to provide similar financial arrangements for Indians who want to buy or improve their own homes, and to enable them to have greater control over the design, siting and construction of their houses.

During its first five-year term the Band Economic Development Fund did, in fact, pay out more than its original allocation: $48 million was made available in loans, $42 million was given as grants or contributions and guarantees were given for a further $31 million, and as a result of its operations an estimated 5,000 new jobs were created. In the same period, moreover, early in 1973, the Department of Indian Affairs instituted a five-year $400 million Band Capital Planning Fund, with an initial commitment of $69 million, to help in the provision of better social amenities on the reserves, and at the same time announced that more than 460 bands were now managing their own funds. Although these figures represent a great improvement, however, it is clear that for economic and social development to be a reality for most Indians, far larger sums, and greater efficiency in their expenditure, will be required.

It is of course difficult for a democratically elected government with a maximum life of five years to justify to the electorate a vast long-term programme of financial help to any particular minority, especially at a time of economic recession. There are, however, several examples of bands which, usually as a result of the discovery of natural resources on their land, have for a long period enjoyed relatively high incomes which they have used to transform themselves from demoralized and maladjusted burdens on the taxpayer into thriving and prosperous communities making a substantial contribution to local and national life. One instance should serve to demonstrate how a reserve, given money and self-determination, can undergo this kind of transformation and so vindicate those people, both Indian and non-Indian, who have been urging the investment of massive amounts of capital in the development of native communities. The Enoch Indians in Alberta have been receiving considerable revenues – in 1976 about $3.6 million – from oil-wells on their reserve since the early 1950s, but until recently they had little influence over how their money was spent and continued to suffer almost as badly as less materially fortunate bands from unemployment, poverty, poor housing, alcoholism and hopelessness. In 1971, however, they were given control over their capital budget, and with the power to formulate and carry out their own plans they have brought about a remarkable change in the physical conditions and psychological health on the reserve. Most of the Indians now have accommodation comparable with local white housing; there is an efficient and productive communal farm on the reserve and a hockey arena which is so good that it is in demand by non-Indian teams from Edmonton; unemployment is virtually unknown and 75% of the workforce have jobs which were created on the reserve. The improvement in morale appears to be profound; in 1976 the band's administrator said:

'Last winter we had to lay off some workers. We were interested to see what would happen. Before, everyone would have gone on unemployment insurance. Well, some did but others didn't. They said they wanted to work and went out and found jobs. One man couldn't get a job in his line of work and he drove a cab in Edmonton. Work has become a pattern.'

The most publicized and controversial issue over the past few years has been the question of land rights. During the early 1970s the Indians assembled a formidable body of legal opinion to support their demand for the recognition of aboriginal right, and against government opposition they took the matter to court in a series of cases. In January 1973 the Nishga tribe lost their claim to their ancestral territory in British Columbia by a narrow four-to-three decision in the Supreme Court of Canada, and in August of the same year Jean Chretien announced a fundamental shift in official policy. He said that henceforward the government would observe the spirit, as well as the letter, of the treaties, and would be prepared to acknowledge the existence of aboriginal right and negotiate settlements based on 'comprehensive claims' – i.e. claims taking account of the whole range of political, economic, social and cultural effects of extinguishment of title and subsequent economic development on the Indians concerned – with the native peoples of British Columbia, the Yukon, Northern Quebec and the Northwest Territories. He said that the administration was still considering the claims of Indians in southern Quebec and the Maritimes, whose legal position is complicated by cessions pre-dating the Proclamation of 1763.

The oil crisis following the Arab/Israeli war of 1973 gave additional urgency to the government's efforts to settle with the

natives and so open the way to the development of energy and other resources in large parts of the North. Funds were given to native groups to research their positions, and in 1974 a Native Claims Office was set up to represent the Minister of Indian Affairs and his Department in claims cases. In October 1975 the Prime Minister appointed a Special Government Representative with a broad mandate to deal with comprehensive claims, and the following month the first major comprehensive claims settlement was signed between the federal government, the Quebec government and representatives of some 6,000 Cree and Inuit, a large part of whose traditional hunting, trapping and fishing territory was to be inundated by a massive hydroelectric project. The agreement covered rights to 410,000 square miles of territory – about 60% of Quebec – and gave the Cree and Inuit exclusive use of 5,408 square miles, exclusive hunting, trapping and fishing rights in a further 60,000 square miles (of which 35,000 square miles is north of the 55th parallel and for the use of Inuit only) and a certain amount of power to influence the nature of development. The natives will also receive, over a long period, a total of $225 million as partial compensation for the extinguishment of their aboriginal title. A similar settlement is soon expected in the Yukon.

Elsewhere negotiations have proved more problematic. In British Columbia, where Indians have been pressing for recognition of their rights since the beginning of this century, efforts to reach an agreement have been impeded in the last few years by the refusal of the provincial government, which constitutionally has exclusive jurisdiction over the province's land and resources, to join in tripartite talks with the Indians and the federal authorities. During the summer of 1975 Indians throughout British Columbia organized demonstrations and boycotts and refused to accept federal funds as a protest against the province's obstructiveness and the irksome and cumbersome inefficiency of the Department of Indian Affairs. In January 1976 the B.C. government at last acknowledged its responsibilities and arranged for a meeting with the Minister of Indian Affairs and the Nishga Tribal Council.

In the Northwest Territories the Inuit are moving towards an agreement with the government, but the Indians of the Mackenzie Valley, who call themselves the 'Dene' (an Athapaskan word meaning 'People') are further from a settlement. In 1975 the Indian Brotherhood of the Northwest Territories adopted the Dene Declaration, which demanded that the nationhood of the Dene should be recognized and that they should be allowed to develop their own political institutions and to find 'independence and self-determination within the country of Canada'. The Minister of Indian Affairs denounced the Declaration as separatist and said that it was not an acceptable basis for claims negotiations, and the Dene case was further weakened by a split in their ranks between 'moderate' and 'radical' factions, each of which accused the other of eroding native traditions and imposing alien 'white' ideas on an essentially Indian situation. These troubles, and the problems of the Northwest Territories in general, have attracted widespread attention and publicity in Canada because of the Berger Commission, which was established in 1975 to conduct public hearings on the development of the Mackenzie Valley and its likely ecological, economic and human consequences. The Commission has been useful in highlighting some of the crucial issues that will face Canada during the next few decades – the pace and scale of development and the priority to be given to natural conservation and the survival of native cultures in the north – but press reports have tended to over-simplify the debate and to reduce the question of Indian rights to a caricature battle between 'rednecks' and 'do-gooders' which obscured the complexity of the real problems.

Part V: WHAT DO THE INDIANS WANT?

The achievements of Indian organizations and individuals over the last decade have been enormous. They have identified the problems of native people and suggested practical solutions that take account, as no government policy has ever done, of the fundamental social and historical factors underlying the present situation; they have gained power, respect and a great deal of political expertise after a century of being discredited and sapped of initiative, and they have given more hope and determination to the Indian community than it has had for a hundred years. The Trudeau government, too, has clearly played its part in bringing about change. Mr. Chretien has probably been more criticized than any previous Minister of Indian Affairs, but he has also helped to create the atmosphere in which criticism is possible, most notably by giving financial support to national and local Indian organizations. Like his predecessors he has made blunders – it is difficult to imagine a man in his position who would not – but unlike them he has had his blunders widely publicized. He had the courage to acknowledge mistakes, and even his ferocious debates with Indians show a willingness, markedly absent in earlier administrations, to take the views of native people seriously. His successors, Judd Buchanan, who was appointed in August 1974, and W. Warren Allmand, appointed in September 1976, seem to have followed the same basic approach to Indian Affairs. In 1975 a Joint Committee of Federal Ministers and NIB Executive members was established to provide a forum for the discussion of major problems and issues, especially land claims and revisions to the Indian Act.

Despite these encouraging signs there has still not been a major transformation of Indian life. The Department of Indian Affairs is still a huge and costly vested interest and may, wittingly or unwittingly, obstruct the movement of power and resources to the Indians. The acceptance of educational reform and the adoption of a new approach to land rights are nothing more than gestures until the new measures have been implemented, and the enormous need for economic assistance has not really begun to be met. It is, of course, asking a great deal of any government that it should pay the price for its predecessors' mistakes over more than a century, particularly as doing so involves an element of political risk as well as considerable financial outlay. There is still much mutual resentment and misunderstanding between the white and Indian communities and many Canadians do not accept the remedies which native people propose to their own problems. It is frequently argued, for instance, that in pressing for economic development of the reserves the Indians are asking for the financing of a discredited and ruinously expensive nineteenth century system, while the same increase in living-standards could be achieved at a fraction of the cost if they were prepared to move closer to centres of white population. Although this assertion is unquestionably correct on economic grounds it completely overlooks the psychological aspect which has so consistently been disregarded in the past; its proponents still see financial expenditure as a means to improve statistics rather than as an investment in people, and they continue to deny the Indians the chance of tackling their own ills on their own terms. The important point here is that no-one else has been able to solve the 'Indian Problem' and each failure has proved more expensive than the last. It will, in the long term, be far less costly, as well as more generous and more just, to let the Indians themselves try now, even if this means making them a special case for economic assistance for some years to come. They have been a special case of a different sort for four hundred years. The government will have to be patient and courageous and far-sighted enough to realize that the symptoms of such deprivation will not, even in the most favourable circumstances, disappear overnight, and that another attempt to solve the Indians' difficulties with cut-price solutions imposed from outside will inevitably create more intractable problems and necessitate still more expensive remedies in the future. There is a long history of failure, parsimony and neglect to be made up for.

It would be unrealistic to try and make any firm predictions about the future role and development of the Indians, but already there are indications that different groups can and will move successfully in different directions. The people of the Pas, in Manitoba, for example, have shown that they can engage in a profitable industrial enterprise that meshes in well with the surrounding white economy, while the Smallboy band in Alberta has returned to the kind of mobile, self-sufficient hunting existence of aboriginal times. There is, however, a widespread conviction among Indian people that whatever paths they follow they can and must retain their 'Indianness'. An impressive expression of this feeling can be found in a speech given by Chief Dave Courchene, President of the Manitoba Indian Brotherhood, at Treaty Centennial celebrations in 1971:

'Our struggle will be over when we have in our own way found our place among the many peoples of the earth. And when that time comes, we will still be a people identifiable and independent and proud.

We are gathered here with the spirits of our ancestors to commemorate one hundred years of struggle; to commemorate the tragedies in the lives of the victims; to celebrate our survival; to reaffirm our identity and to reassert that our treaties as fact and as symbol will be retained and respected: and to

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honour our magnificent young people, who will assure that we will never be dishonoured.

For in this way, we will reassert that God was right in making us Chipewyan, Cree, Ojibway and Sioux as part of the North American Indian nation and that man is wrong in trying to make us white.

For in the ultimate end, we will stand before Him and say proudly, but humbly, Lord I am one of those men you made in *your world. I am an Indian.*'

This kind of assertion is disturbing to many white people and absurd to others, who maintain that it is fanciful to imagine societies whose 'innocence' and independence have been lost surviving indefinitely as distinct entities, and claim that the modern native is merely playing at 'Indianness', that the substance of his culture is gone forever and that he must inevitably be assimilated. Whatever the academic merits of this argument it has little bearing on the current situation; the Indians are still palpably separate groups and believe that they will continue to be so:

'Your culture, we say to non-Indian Canadians, is not the culture of your ancestors of one or of five hundred years ago. Nor is ours. Upon us both impinge cultural forces which our traditional societies have not prepared us to face . . . Our identity must be clear; our culture is creative. We are developing a twenty and twenty-first century culture. And it is and will be an Indian culture.'

In asserting their cultural distinctiveness the Indians are essentially doing no more than stating something that anybody, if he applies the

idea to his own life and society, will know from human experience to be true; as one cultural leader put it:

'We recognize that there have been changes, but we must see those changes through our own eyes and adapt to them on our own terms.'

The American Indian, like anyone else, can only make sense of the world if he approaches it with a clear cultural identity and a set of assumptions and attitudes rooted in a coherent and relevant sense of reality. The attempt to fit him with the cultural equipment of the white man has failed, a point which is demonstrated by the fact that Indians in the North who still follow a relatively traditional hunting life have markedly fewer problems of delinquency, maladjustment and social collapse than tribes which have come under strong pressure to conform to the white Canadian norm.

The debate about what is to become of the Indian will certainly go on, but it has little practical relevance. If the history of the last 400 years in Canada has shown anything, it is that plans founded on dogmatic theorizing about the native have been harmful and have borne little relation to the real problems of real people. Whatever directions the Indians move in, adjustment is going to be a slow and painful process, and the dilemma confronting native people must inevitably create difficulties to which there will never be clear-cut, abstract answers for the individuals concerned. To a large extent the future will depend on how well members of both races can come to terms with each other and with the past, and how far they can form individual relationships and co-operate in common enterprises. For this transformation to consist of anything more than lip-service to pious sentiments many people, both Indian and white, will have to have the courage to take a chance and the generosity to approach one another without the comfortable prejudices and fears and suspicions that have grown up in both communities.

In order to make this more trusting atmosphere possible, and give the Indians the best chance of success in finding solutions to their chronic ills, the government will have to act in good faith and make available to them adequate resources for a long period of experiment and development, and Canadians as a whole must abdicate the responsibility they assumed for deciding whether 'their' Indians should be 'preserved' or assimilated. Whatever paths the Indians decide to follow, and however unwise they may appear to outsiders, the choice must now be made by the Indians themselves. White Canadians are not being asked to determine what the Indian was or is or could become; they are being asked to do something far more difficult: accept him as he is.

POSTSCRIPT, FEBRUARY 1982: THE CONSTITUTIONAL ISSUE

Since this report was last revised in 1977 the issue of native rights, in common with other aspects of Canadian political life, has come to be dominated by the debate about the new national constitution. This is a question of fundamental importance which could powerfully and permanently affect the future relationship between native people and the rest of Canadian society. It is also a matter which closely concerns the British government and people.

At present Canada's constitution is embodied in the British North America Act of 1867, a statute of the Parliament at Westminster, but over the past few years there has been mounting pressure, intensified by the Quebec separatist movement, for it to be 'patriated' to Canada. This move, finally giving Canadians ultimate control over their own constitutional arrangements, would also require an Act of the British Parliament.

It is clear that Canada's native people have more to gain than anyone from a positive change in the constitution. The Victorian administrative system which has crippled and impoverished them for more than a century and which still dominates their lives stems directly from the provisions in the British North America Act relating to their treatment. In a series of meetings the national and provincial native organisations have drawn up a comprehensive list of proposals, based on the central statement that 'The Aboriginal rights and treaty rights of the Aboriginal peoples of Canada are hereby confirmed and recognised', which they would like to see enshrined in the new statute. Only such a clause, they feel, can protect them legally and demonstrate incontrovertibly Canada's determination to accept her native peoples in perpetuity.

Since it so vitally affects them, Indians, Metis and Inuit have repeatedly asked to be included in the constitutional discussion, but they have never been accorded more than observer status. This refusal to accept them as full partners with a right to share in the shaping of the new Canada has deeply disturbed them. The Prime Minister has promised to give 'a high priority to the involvement of Indian, Inuit and Metis representatives in the process of constitutional reform,' but only at a special conference to be convened *after* patriation has been completed and the basic structure of the new arrangements established. Native people feel this is simply not enough. The appalling conditions of their life today testify to a history of broken promises, crass misunderstandings, and startling shifts in political direction. As recently as 1969 the government – under the present Prime Minister – announced plans to end the special status of Indian people and force them to assimilate. Even if the present administration acts in good faith only the most basic guarantees can protect the native population from future assaults on its existence.

Recent events suggest that the Indians' fears on this score may be all too justified. In February 1981, after continuous pressure from native groups, there was an all-party agreement in the Canadian House of Commons that the clause on Aboriginal and Treaty rights proposed by the Indians should be entrenched in the constitution. Several of the Provincial governments, however, refused to support the patriation plan unless this commitment was withdrawn, and as a result, in November 1981, it was unanimously repudiated by the Prime Minister and the ten Provincial Premiers. Subsequently, a compromise was reached whereby the Canada Bill would contain the phrase: 'The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed', but this alteration could clearly be used to limit the rights of native groups, especially those in British Columbia, the Territories, the Maritimes and other areas where agreements regarding land title and resource development have not been reached with the government. Even Jonathan Aitken, a British MP of Canadian ancestry who spoke in *favour* of the Canada Bill during its Second Reading debate in the House of Commons at Westminster, admitted that 'The minority rights generally were far better protected by section 133 of the British North America Act than they are by the Bill, and went on to express regret that 'the inadequately covered minority rights were bargained away in Executive horse-trading between provincial Premiers and the Prime Minister'.

Despite the fact that the other major groups in Canadian society have been consulted, the earliest and most distinctive peoples therefore find themselves once again denied the right to participate in shaping their own future and fearful for their very survival. It is against this background that they turned for help to the British government. In 1979 a delegation of some three hundred Chiefs and Elders from all over Canada was sent to England to petition the Queen, who on the advice of the Canadian government refused to meet them, and to lobby Parliament. Subsequently smaller groups from specific provinces and treaty areas presented their case in England, and a semi-permanent Office of the First Nations was set up in London. In January 1982 a petition signed by Indian chiefs from all over Canada was presented to the British House of Commons, asking that: 'A motion or resolution be passed in Your Honourable House, if thought fit, requesting the Canadian Government and Parliament to propose and request amendments to any patriation proposals' in order to ensure that native rights were adequately secured.

Critics of the Indians have accused them of displaying a 'colonial mentality' by approaching the source of imperial authority in this way. The Indians reply that they are turning to Britain only because their rights have been denied in Canada, and they claim that their object is the very reverse of colonial: they are trying to ensure that when Canada's last legal ties with the United Kingdom are cut there is not one part of the population still in subjection to the rest.

The legal and constitutional justification for the Indians' appeal to the United Kingdom is extremely complex and technical and founded on a number of separate arguments: the authority of the Royal Proclamation of 1763 in determining the relationship between the Crown (or its Canadian representatives) and native people; the fact that the treaties, which solemnly promised to recognise and protect the Indians, were presented to the tribes as sacred compacts between themselves and the Sovereign in *person;* the sovereignty of the British Parliament, which would inevitably be limited if it were required to rubber-stamp a piece of legislation

without considering its merits; and others. At the time of going to press the legal validity of some of these arguments is being tested in the courts. In one case the Court of Appeal has already ruled that the rights of the Indians are outside the province of the British judicial system, although the same judgement acknowledged that the British Parliament retains the right to repeal, amend or alter the Canadian constitution and reaffirmed that the treaties were solemn and binding and that "No Parliament should do anything to lessen the worth of these guarantees.' One of our most eminent constitutional experts, Professor James Fawcett, in a paper written on 14 February 1982, goes further: 'It cannot be disputed that, under the relevant statutes from the British North America Act onward, the UK Parliament has jurisdiction which it can and must exercise, over the form and provisions of the constitution of Canada, though this jurisdiction will be terminated on adopting the Canada Act.' Professor Fawcett adduces three principal reasons why the British Parliament should use this jurisdiction to secure amendments to the Act: that since 1960 it has become almost a convention for the United Kingdom to insist on adequate human rights provisions in the independence constitutions of former dependencies; that Britain and Canada have both ratified the International Civil and Political Rights Covenant, which the Canada Bill contravenes on at least five points; and that there is 'a particular responsibility to secure the observance of Canadian Indian rights, that have been formally recognised by the Crown or embodied in treaties with it.'

It has, of course, been argued that the British North America Act is simply an anachronism that should be disposed of quietly with a minimum of fuss. Canada has a long and proud history as a separate nation with a commitment to freedom and parliamentary democracy, and no comparable country has been constitutionally shackled to Britain since the heyday of the Empire. To suggest in these circumstances that its technical severance from the mother country should receive the same kind of supervision given to other ex-colonies which have reached independence since 1960 is simply an insult.

While there is clearly some justice in this view it misses the essential point. The British North America Act was left in force, contrary to Commonwealth practice, at the request of the Canadians themselves precisely, as Professor Fawcett says, in order 'to secure an independent resolution of possible internal conflicts in Canadian affairs'. In its present form the Canada Bill does not enjoy the support of two of the three 'founding races' of Canada, the native people and the French, and is therefore more likely to result in disputes and in the settlement of differences at the expense of the minorities. The British Parliament has a clear right and responsibility to reduce this risk by ensuring that everyone who was recognised and protected by the British North America Act continues to enjoy protection and recognition under the legislation that supersedes it.

The British government, under pressure from Canada and fearful that debate will prove embarrassing, is trying to rush the Canada Bill through Parliament without amendment. Parliament should not be afraid of causing embarrassment or ashamed of using its power to ensure that the native people of Canada, who have lost so much during the last four hundred years, do not lose still more by their country's attainment of full independence.

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Front cover photograph:
Dogrib Indians, North-West Territories
National Film Board – Canada

First published, August 1974.
New edition, March 1977.
Revised edition, March 1982

Printed by Expedite Graphic Ltd., Murray House, 3 Vandon Street, London SW1H 0AG Tel: 01-222 3213

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